

***United States Court of Appeals
for the Second Circuit***



APPENDIX

76-1384

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X
UNITED STATES OF AMERICA,

Appellee,

-v-

REV. ALBERTO MEJIAS, MANUEL FRANCISCO
PADILLA MARTINEZ, HENRY CIFUENTES-ROJAS,
JOSE RAMIREZ-RIVERA, ESTELLA NAVAS,
MARIO NAVAS and FRANCISCO CADENA,

Appellants.
-----X

JOINT APPENDIX TO BRIEFS
FOR APPELLANTS

Appeal From A Judgment Of Conviction
In The United States District Court
For The Southern District Of New York

VOLUME III

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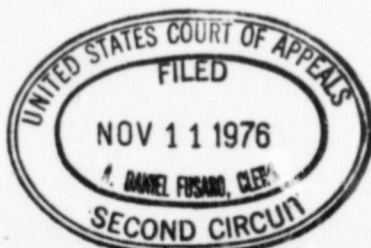
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA :

- v - :

AFFIDAVIT
76 Cr. 164 (RLC)

REV. ALBERTO MEJIAS, et. al., :

Defendants. :

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

LAWRENCE M. HERRMANN, being duly sworn, deposes
and says:

1. I am an Assistant District Attorney for New York County and since September, 1972, I have been assigned to the Office of Prosecution of the Special Narcotics Courts of the City of New York. I am also sworn in as an Assistant District Attorney in Queens, Kings, Bronx and Richmond Counties.

2. I make this affidavit in opposition to the notion of certain defendants to dismiss Indictment 76 Cr. 164 on the ground that they were denied a speedy trial.

3. In the summer of 1973, I assisted in the formulation and supervision of a narcotics buy operation conducted by the New York City Police Department.

4. As evidence of wholesale trafficking in and importation of cocaine was obtained, I prepared an application for a court-authorized eavesdropping order, which was granted to the District Attorney of New York County on January 2, 1974. From that date to October, 1974, on behalf of the District Attorneys of New York and Queens Counties, I super-

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vised an investigation utilizing eleven additional court-authorized eavesdropping orders (hereinafter referred to as the "State Investigation".)

5. As the State Investigation progressed I advised the Drug Enforcement Administration of significant developments and I received from them certain intelligence information. In or about May 1974, a group of Special Agents of the Drug Enforcement Administration was assigned to work with and under the direction of the New York Police Department group conducting the State Investigation.

6. On information and belief, on or before May 14, 1974, my office learned that certain targets of the State Investigation were also the targets of federal investigations.

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7. On May 14, 1974, my direct superior, at the time, Frank Rogers, Special Assistant District Attorney, Office of Prosecution, Special Narcotics Courts, City of New York ("New York City Prosecutor") called a meeting in his offices for the purpose of coordinating City and Federal prosecutorial efforts and avoiding duplic~~ious~~ prosecutions. Assistant United States Attorneys Bancroft Littlefield, Jr. and ~~Charles~~ Charles Clayman of the Southern and Eastern Districts of New York, respectively, members of the New York City Police Department and the Drug Enforcement Administration and I attended the meeting.

8. The following, inter alia, was agreed at the meeting:

a) The State Investigation was most important and would take precedence over existing related federal conspiracy investigations and other related New York City investigations;

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b) the New York City Prosecutor would prosecute defendants charged with substantive offenses and any co-conspirators it elected to prosecute;

c) federal prosecutors would prosecute co-conspirators not prosecuted by the New York City Prosecutor;

d) the timing of any arrest was to be cleared first with the New York City Prosecutor.

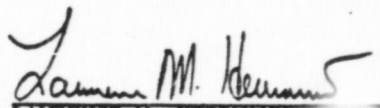
9. On September 19, 1974, a formal agreement was made designating those persons who would be prosecuted by federal prosecutors and those who would be prosecuted by the New York City Prosecutor. The following individuals, among others were to be prosecuted by the New York City Prosecutor only: 1. Rev. Alberto Mejias, 2. Mario Navas, 3. Estella Navas, 4. Francisco Cadena, 5. Francisco Padilla, 6. Alba Luz Valenzuela, 7. Jose Ramirez, 8. Henry Cifuentes Rojas and 9. Anotonio Lopez. Each of them was indicted by the State of New York.

10. Mario Navas was indicted on March 1, 1974 for criminal sale of a controlled substance in the first degree in violation of the New York State Penal Law. He and Estella Navas were named subjects of six of the aforementioned eavesdropping orders. A New York City Grand Jury was impanelled on or about August 4, 1974 and returned eight substantive indictments against Mario Navas and six substantive indictments against Estella Navas prior to their arrest in October, 1974. Both defendants, from the outset of any discussions between the New York City Prosecutors and Federal Prosecutors were to be prosecuted by the New York

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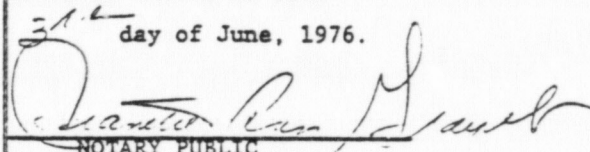
City Prosecutor. The Rev. Alberto Mejias was, from the outset of any such discussions, also to be prosecuted by the New York City Prosecutor.

11. Alba Luz Valenzuela, Francisco Padilla, Francisco Cadena, Henry Cifuentes Rojas, ^{Jose Ramirez} and Antonio Lopez were not positively identified as co-conspirators until September 3, 1974, at the time of their arrest. Prior to their arrest by the New York City Police Department, they were never the subject of any discussions between federal prosecutors and the New York City Prosecutor.


LAWRENCE M. HERRMANN
Assistant District Attorney

Dated: June 3rd, 1976
New York, New York

Sworn to before me this
31st day of June, 1976.


NOTARY PUBLIC

JEANETTE ANN GRAYEB
Notary Public, State of New York
No. 24-124475
Qualified in Kings County
Commission Expires March 30, 1977

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v -

REV. ALBERTO MEJIAS, et al.,

Defendants.

AFFIDAVIT

76 Cr. 164 (RLC)

STATE OF NEW YORK)
COUNTY OF NEW YORK : ss.:
SOUTHERN DISTRICT OF NEW YORK)

BANCROFT LITTLEFIELD, JR., being duly sworn,
deposes and says:

1. I am an Assistant United States Attorney in the office of Robert B. Fiske, Jr., United States Attorney for the Southern District of New York and I have been since August 7, 1972.

2. I make this affidavit in opposition to the motion of certain defendants to dismiss Indictment 76 Cr. 164 on the ground that they were denied a speedy trial.

3. In or after March, 1974, I began an investigation into drug trafficking by Colombians. Initially, the investigation was conducted independent of any New York State or city investigation or prosecution. Some of the targets of the investigation I later learned were also targets or potential targets of a state investigation. The investigation I was pursuing was based on information of three cooperating individuals.

4. On or about May 14, 1974, Frank Rogers, Special Assistant District Attorney, Office of Prosecution, Special Narcotics Courts, City of New York ("New York City Prosecutor") called a meeting in his offices for the purpose of coordinating City and Federal investigative and prosecutorial efforts and avoiding duplicative prosecutions. I attended that meeting with Assistant United States Attorney Charles Clayman of the Eastern District of New York, members of the New York City Police Department and the Drug Enforcement Administration and Lawrence M. Herrmann, Assistant District Attorney.

5. The following, inter alia, was agreed at the meeting:

- a) the New York City Prosecutor would prosecute defendants charged with substantive offenses and any co-conspirators it elected to prosecute;
- b) federal prosecutors would prosecute co-conspirators not prosecuted by the New York City Prosecutor;
- c) the timing of any arrest was to be cleared first with the New York City Prosecutor.

6. On September 19, 1974, a formal agreement was made designating those persons who would be prosecuted by federal prosecutors and those who would be prosecuted by the New York City Prosecutor. The following individuals, among others, were to be prosecuted by the New York City Prosecutor only: (1) Rev. Alberto Mejias, (2) Mario Rodriguez, (3) Estella Navas. None of them, nor (1) Francisco Cadena, (2) Francisco Padilla, (3) Alba Luz Valenzuela, (4) Jose Ramirez, (5) Henry Cifuentes Rojas and (6) Antonio Lopez was indicted in the Southern District of New York as a result of Grand Jury presentations by me.

BANCROFT LITTLEFIELD, JR.
Assistant United States Attorney

Sworn to before me this
3rd day of June, 1976.

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AFTERNOON SESSION

2:10 p.m.

THE COURT: How are we going to proceed? Are you going to start?

MR. NAWI: Yes.

THE COURT: We will have to wait for Mrs. Navas to come to the courtroom. You can get your papers together.

MR. NAWI: They have been together for 48 some odd hours.

(Pause.)

THE COURT: All right, you may proceed.

MR. NAWI: Your Honor, we are prepared on behalf of Estella Navas to make this offer of proof with respect to the speedy trial issue.

We have kept in mind two factors that the Court has enunciated during the course of the argument. One is whether there were elements on which it can be argued that Estella's arrest on October 4th is either a Federal arrest or partakes of a Federal arrest.

Secondly, whether there are elements on which we can argue to your Honor that the State and Federal prosecutions are distinct so that the Government's deference to the State with respect to Estella cannot be considered legitimate.

We have in mind particularly the comments that

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2 your Honor made about the dual sovereignty system and the
3 deference of one of the authorities to the other.

4 We expect to be able to prove the following:

5 First, that from an early date long prior to the
6 wire taps which started in January 1974, the Federal Drug
7 Enforcement Agency, which I will refer to as DEA, was con-
8 ducting an investigation into the Bravo group activities.

9 Your Honor will understand that by Bravo group
10 I mean Alberto Bravo and others who were located in Colombia,
11 as to witnesses claimed that there was a massive drug traffic
12 ing into the United States.

13 Second, that DEA was aware of the efforts of the
14 State investigatory agents with respect to the same activi-
15 ties and formulated overall policy directives and objectives
16 on where the State efforts should go.

17 THE COURT: Say that again, please.

18 MR. NAWI: Yes.

19 That DEA was aware of the various State activi-
20 ties --

21 MR. CAREY: Perhaps Mr. Nawi would be willing to
22 indicate what his source is for these allegations as he is
23 going through it.

24 THE COURT: He is indicating in broad generality
25 what he is going to prove, and I suspect he is later going to

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2 get down to specifics.

3 Is that correct?

4 MR. NAWI: Yes, your Honor.

5 THE COURT: All right.

6 Now, I have been having trouble understanding
7 that second word, so would you repeat that for me, please.

8 MR. NAWI: That the DEA was aware of the efforts
9 of the State investigatory agents with respect to the Bravo
10 group and formulated overall policy directives and objectives
11 on where those efforts should go.

12 Third, your Honor, we want to explore whether
13 DEA had a role in deciding whether the wire taps of
14 Operation Banshee, which began in January of 1974, ought to
15 be Federal wire taps or State wire taps. We know that there
16 are differing standards between the State Courts and the
17 Federal Courts, and we would want to explore whether DEA
18 decided that the wire taps ought to be State wire taps or
19 that it wouldn't conduct an individual Federal wire t:
20 investigation and instead of the State wire taps serve for
21 the Federal wire taps.

22 Fourth, DEA, the agent, and the United States
23 Government United States Attorney's Office, acting for it,
24 brought a number of early and successful prosecutions
25 against various alleged members of the Bravo group.

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For example, couriers who were arrested at airports and borders.

In this connection I would refer your Honor to paragraph 25 of Mr. Carey's affidavit on the motion where he recites the efforts of the agents of the Bureau of Customs, Special Agents of the Drug Enforcement Administration, from 1972 through 1974, and recites further about information obtained in Manhattan, Long Island, San Antonio, Texas, Miami, Florida, and Los Angeles, California. These are where arrests of various people took place.

Fifth, that at least as early as the May 1974 Federal indictment against Alberto Bravo and others, there had been formulated plans for broad conspiracy indictments against the Bravo group conspiracy in the Federal Courts.

Sixth, that meetings were held between the State and Federal authorities about the prosecutions that would be brought and the arrests that would be made. In this connection I can refer to Lieutenant O'Shea's testimony yesterday, which although not expressed -- well, he did mention that there were meetings, and carried the implication that there were specific meetings before the October 4th arrests.

Seventh, that during the summer of 1974 Assistant District Attorney Herman, who was on the staff of the State

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2 Narcotics Prosecutor, was working at DEA Headquarters and
3 assisted in preparation of the Federal indictments.

4 Eighth, that the date picked for the indictments
5 filed on October 4 and the arrests that were to take place
6 that day was a date picked for coordinated arrests on both
7 the Federal and State indictments.

8 THE COURT: What date is that?

9 MR. NAWI: October 4th, 1974. That was the
10 date, your Honor, on which Estella and Mario were arrested.
11 It was also the date on which the defendants in Government
12 indictment 939 were arrested.

13 Your Honor, shall I say what 939 is? It is in
14 the earlier papers but if there is any question about it,
15 I will talk to that indictment that was filed against
16 Operation Banshee, as a result of the efforts of Operation
17 Banshee.

18 Your Honor, we want to explore on the hearing
19 whether that date was specifically selected by reference to
20 the needs of the Federal Prosecutor in 939. That, of course,
21 was a broad conspiracy indictment. We learned at the first
22 Bravo trial that the United States Attorney's Office has a
23 prearrestment interview procedure whereby assistants aided
24 by agents and marshals attempted to obtain incriminating
25 statements from defendants.

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There have been decisions, however, which have called that procedure and those statements into question because they take place during an arraignment delay.

We will inquire at the hearing, your Honor, as to whether October 4, which was a Friday, was deliberately selected in order to give the Government time to seek the statements during the ensuing Saturday. We want to inquire whether there was a plan to pick up all the defendants on Friday afternoon, as happened, to take them to the DEA Headquarters where they could be held overnight and questioned and then brought to the Federal Courts the next day in order to obtain further incriminating statements to the United States Attorney as part of the prearrest interview procedure.

The fact is that from the outset of the Bravo trial we have been questioning in our own minds why it was that the arrests did not take place until late in the afternoon and the evening of October 4, a Friday, when there had been all of this time.

We are further familiar with the fact that when the question of the consent statement taken by the United States Attorney is raised, and the question of the delay is raised, that often the United States Attorney will argue to the Courts that the arrests did not take place until the

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2 weekend or close to the weekend, that there were shortages
3 in staff, and so on and so forth.

4 We have recently been aware of a case in the
5 Second Circuit where exactly that type of an argument has
6 been raised by the Government in challenging a claim brought
7 to suppress a prearraignment interview statement.

8 Moreover, your Honor, it has become apparent from
9 the prior proceedings that there is a real question which
10 cries out for inquiry as to why Mario and Estella were not
11 arrested on September 3rd but instead were arrested on
12 October 4th.

13 We have testimony from the Lieutenant that he
14 picked up Mono in Queens. Mono was a major co-conspirator.
15 That he picked him up in front of Mario's apartment. We
16 will show furthermore, your Honor, that Mario and Estella
17 were viewed as major defendants. There is a question
18 that is often on the face of this record so far as to why
19 they did not pick up Mario and Estella on September 3rd or
20 September 4th, but instead waited one month, and we will
21 want to explore this.

22 We have referred to the preinterview statements,
23 your Honor, because this is exactly what happened.

24 The Federal defendants were arrested late Friday
25 afternoon or early Friday evening. As far as we are able

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to determine they were held overnight at the DEA Headquarters in Manhattan and in the mid-fifties. They were not brought to the United States Attorney's Office, to this Court, until midday of the following day. At that point the defendants were taken one by one to the United States Attorney's Office where they were interviewed by an assistant United States Attorney and by agents. Incriminating statements were taken by a number of these witnesses. Some of those statements were introduced in evidence at the first Bravo trial.

It is our belief, your Honor, that the arrests of Estella Mario, although they were for State charges, were carried out in accordance with this plan and in a manner designed to obtain from them assistance in the Federal prosecution.

The facts are that Detectives came to Estella's apartment at approximately 10 p.m. on Friday. There were Federal agents with those detectives. They identified themselves to her as Federal agents and she was told that the Federal agents were interested in her because she knew a lot about the matters with which the Federal agents were concerned.

There were two individuals in Estella's apartment at the time. One was arrested by the State police for a Federal indictment in the Eastern District of New York.

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1 The other was arrested on I believe it was -- and turned over
2 to Immigration authorities. However, the first individual
3 I mentioned was Alvaro Hernandez, and he had been indicted
4 in the Eastern District and was arrested for purposes of that
5 indictment.
6

7 Mario was arrested outside the apartment. At
8 some point he was placed in the custody, as far as we are
9 able to determined, of Federal agents. We understand that
10 there may have been as many as five to ten Federal agents
11 present in Estella's apartment that night.

12 Mario and Estella were then taken by the Federal
13 agents to the DEA Headquarters in Manhattan, as was everyone
14 else arrested that night. We want to inquire whether they
15 were the only State defendants that were arrested that day.

16 If that were the case, then the arrests on
17 October 4 were a completely Federal operation except for
18 Mario and Estella.

19 At DEA Headquarters Mario and Estella were
20 extensively questioned by Federal agents for evidence in the
21 Federal case. They were questioned by DEA agents as far as
22 we are able to determine. They were questioned throughout
23 the night. They were shown pictures of various people in the
24 Federal case, particularly Alberto Bravo, Pepe Cabrera,
25 and other major conspirators. They were played transcripts

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2 of tapes that had been turned over to the DEA. They were
3 asked many questions. All of this was done by the Federal
4 agents, and as far as we are able to determine, before
5 principally the Federal defendants.

6 Moreover, your Honor, Mario and Estella were
7 locked up and detained overnight at DEA Headquarters in DEA
8 cells by DEA agents.

9 Finally, the next morning the Federal defendants
10 were taken to Federal Court. Only at that point were Mario
11 and Estella released from DEA Headquarters and sent for
12 processing through the State organization.

13 We have questioned how the decision to prosecute
14 Estella Mario in the State Court's came up.

15 As far as we are able to determine, the Govern-
16 ment knew at a very early date that it would proceed in a
17 major conspiracy case bringing in as many co-conspirators
18 as possible for reasons that I need not tell your Honor.

19 It was determined that the State would not bring
20 a conspiracy case. Some of the problems were physical. In
21 the first place, the State does not have courtrooms which
22 are big enough for the trial of major conspiracy cases. The
23 States does not have facilities to conduct a trial such as we
24 are conducting here, which involves microphones, interpreters,
25 interpretations, translations of various documents, and so on

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2 and so forth.

3 Furthermore, the Federal law on conspiracy is
4 extremely broad. In order to obtain conspiracy convictions
5 in the State it is a much more difficult task.

6 At the time, however, the Government had major
7 problems with respect to trial proof. It had the State
8 transcripts, which permitted it to go before the Grand Jury
9 and obtain the indictments, and this is recited in Mr. Carey's
10 affidavit that was submitted in camera to Judge Cannella.

11 In order to go to trial, however, the Government
12 would have to have official translations. We know from Mr.
13 Carey's affidavit in this proceeding that it did not have
14 at that point such translations. Moreover, we know from the
15 pretrial hearings in the Bravo case that the Government at
16 that point had not set up a translating staff to get the
17 translations made.

18 We understand that they had at the time only
19 one translator that was making the translations. They were
20 unwilling at that point to spend the time or the money or
21 to devote the resources to get the transcripts ready.

22 A further question was what the Government pro-
23 secution in the Federal Court conspiracy case would leave
24 for the State. This was explored at meetings that took place
25 between Federal and State authorities. District Attorney

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Herman had spent a great deal of time on the wire taps and on the investigation. The Government conspiracy indictment was naming as defendants many of the major conspirators. There was concern, indeed a battle, by the State authorities to obtain certain defendants for themselves. They did not want to be left with the scraps while the Government took all of the major defendants.

This was unacceptable to Mr. Herman both from a personal standpoint and to the agency from the standpoint of showing some results for all the time that had been spent.

At the meetings that took place the State insisted that they have a major defendant in their case. The question became how to distinguish between ones that would be tried in the State and ones that would be tried in the Federal Court within this demand.

The means used were to decide between the conspiracy and the substantive.

Certain of the defendants, for example Alberto Bravo, Pepe Cabrera, and others never touched narcotics. They could only be prosecuted here in the Federal Courts -- by only, I mean as a practical matter here in the Federal Courts on conspiracy charges.

There were, however, certain defendants who had actually be caught in sales either to undercover policemen

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2 or in other circumstances.

3 Mario Estella fit into this group. The State
4 had evidence of substantive sales. Therefore, although
5 they were members of the conspiracy they fit into the
6 category of substantive offenders, the people who the State
7 wanted.

8 Your Honor will notice from the Government's
9 memorandum that the first seven indictments filed against
10 Estella were all for substantive sales.

11 The Government has always distinguished, as has
12 the State, between the substantive offenses and the con-
13 spiracy offenses. We want to note that there were two
14 defendants in the Bravo case, Gomez and Parra, who were
15 arrested in Texas and when they sought to smuggle narcotics
16 in through the border. They were arrested by the Federal
17 Government, they were prosecuted in Texas in the United
18 States District Court, they pleaded guilty to the substantive
19 offenses and received ten years.

20 Notwithstanding that, your Honor, they were
21 prosecuted in this Court in the Bravo case as part of the
22 conspiracy and convicted a second time for conspiracy, the
23 Government meeting the argument that there had been piece-
24 meal prosecution by successfully arguing that a substantive
25 offense was one thing, a conspiracy was something else, and

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2 that they could be prosecuted twice.

3 Let me point out that they were prosecuted on
4 the conspiracy charges based solely on their acts that took
5 place down in Texas when they sought to bring the narcotics
6 in through the border in Texas.

7 I refer your Honor to paragraph 22 of the Carey
8 affidavit which refers to this matter.

9 It was therefore decided on the basis of the
10 States insistence that Mario and Estella would be the major
11 defendants in the State prosecution and would be prosecuted
12 on the substantive offenses.

13 In this way the State did not have to bother
14 with any extensive wire tap evidence showing an extensive
15 conspiracy or anything else.

16 I want to call your Honor's attention once
17 again to the case of Mono. We were advised that there was a
18 strong battle between the Federal Government and the State
19 Government about who would get Mono. Nothing could be worked
20 out. Finally, Mono was indicted both in the State Courts
21 and in the Federal Courts, and has been prosecuted in both.

22 We want to question whether or not there can be
23 this type of a distinction to indict Mono in both places
24 and valid grounds to indict Estella only in one place and then
25 to have her face this trial a year and a half later here.

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1 The State's insistence on having Mario and
2 Estella was fully in accord with the Government's views as
3 to how it was going to proceed in the conspiracy case. By
4 leeting the State have Mario and Estella this relieved the
5 Government of the burden of having to translate all of the
6 Mario and Estella tapes, and having to get them ready as well
7 for the Bravo case.
8

9 I want to assure your Honor that the translations
10 of the Government were a major problem in the trial of the
11 Bravo case. There are transcripts of pretrial hearings in
12 which the Government concedes it did not have the transcripts
13 ready until sometime in May. You will find, moreover, in
14 paragraphs 16, 18 and 20, representations by Mr. Carey here
15 of the same problem, and we are indeed raising this as one
16 of the issues on the Bravo appeal, that the Government was
17 not ready with six months because their transcripts were not
18 ready.

19 There were questions that were raised about
20 double jeopardy, and at the discussions that took place
21 between the State and Federal prosecutors this issue was
22 discussed.

23 It was decided that they wouldn't worry about
24 double jeopardy because the substantive offenses on which
25 Estella was being prosecuted in the State Courts and the

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2 conspiracy count here in the Federal Court were separate
3 offenses, and if anything happened in the State Courts
4 they could always bring Mario and Estella back to the Federal
5 Courts and prosecute her on conspiracy.

6 We want to call your to your attention further
7 that the State proceeding could aid the Government in
8 another way. State penalties are much stiffer for the acts
9 here in question. They start at 15 years to life. The
10 Federal penalties end at 15 years.

11 On the other hand, in the State Courts there is
12 far more extensive plea bargaining. The District Attorney
13 can usually give a defendant an assurance as to what the
14 sentence is going to be if he cooperates, pleads guilty,
15 and aids the Government. It was believed that with the
16 threats of the heavy sentences in the State Courts as well
17 as the ability to arrange a favorable plea if there was
18 cooperation that they would be able to use those threats of
19 the State proceedings to get Federal cooperation from Mario
20 and Estella.

21 We understand, your Honor, that such threats were
22 in fact used here. We are told that Mario and Estella were
23 advised that they faced 25 years to life in the State jails
24 unless they cooperated, and we have reason to believe that
25 those threats were made, in addition, by DEA agents.

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We are told furthermore that threats were made to Estella what might happen to her in the State jails because of the conditions there.

We think the practical advantages the Government received are at least five.

First, your Honor, it relieved the Government of having to get ready the Mario and Estella transcripts for the Bravo trial.

It left the Government freer to work on the defendants in that case.

It put the Government in a position to come back to Mario and Estella's, as it has now done, following the completion of Bravo, with plenty of time to get ready for the trial which we are about to commence.

Second, your Honor, it helped the Government in its personal situation with the State prosecutors and their desire, feel that it had been their investigation, to have something to show for their efforts. I don't cite this to your Honor merely to engage in personalities. I cite it to your Honor because in deciding whether or not there has been a legitimate institutional deference your Honor ought to know the background of the personalities and why it was that they were making the various demands and insistences that they were making.

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1 Third, your Honor, the way that the matter worked
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3 it gave the Government two cracks at the apple. If the
4 State was successful then the matter would be dropped, and
5 Mario and Estella would serve time in the State jails.

6 If the State for some reason was not successful,
7 or its prosecution became jeopardized, then the Government
8 could step in and prosecute them on conspiracy grounds.

9 Fourth, your Honor, it gave the Government the
10 wedge of the State proceedings to threaten Mario and Estella
11 and seek to coerce their cooperation. We believe this was
12 done.

13 Finally, it brought Mario and Estella back to
14 this Court after the Government has had the experience of
15 the Bravo trial and can correct any mistakes that have been
16 made there.

17 And, your Honor, I probably have a smile of my
18 face as we go through this trial, if we do, when Mr. Carey
19 will cite rulings in the Bravo case to your Honor as seeking
20 to sustain his position on the ground that Bravo had the
21 same issue, he prevailed there, and that ought to be the
22 end of that for purposes of this trial.

23 Your Honor, several things happened which bring
24 this case back to the Federal Courts. In the first place,
25 the State tried and lost a major substantive case. This

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2 raised serious questions about their proceeding on the
3 other substantive cases.

4 Second, your Honor, the State lost the suppres-
5 sion motion which is before your Honor, which your Honor has
6 before you here in the Mejias case.

7 Third, the Government was progressing with its
8 Bravo trial. At such time as that was over there Mr. Carey
9 would be free to move in and pick up the pieces of the new
10 conspiracy.

11 THE COURT: What is the substantive case they
12 lost. I am familiar with the suppression case.

13 MR. NAWI: I don't have the name. There was a
14 long trial and the jury acquitted.

15 MR. CIAMPA: I think it was Lopez.

16 MR. CAREY: It was not an acquittal. It was a
17 hung jury.

18 MR. CIAMPA: I was going to add that.

19 MR. NAWI: I stand corrected.

20 Fourth, the State prosecutors, after the two set
21 backs and the other things that had happened, were beginning
22 to lose interest in the whole matter. I note that a notice
23 of appeal was filed from Judge Coons' decision, but nothing
24 was done about it.

25 I note further, that although we are told that

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there were requests for adjournments by Mario and Estella, I do want to note that if the State had wanted to press for a trial earlier certainly it knew how to do so, and Mario and Estella could have been tried long ago in the State Courts.

At this point, your Honor, the State and Government started talking about having the Government take back the Mejias case in light of Judge Coon's ruling. This way the Government could relitigate that issue before your Honor, as it has now done, and it was hoped that the Government would obtain a favorable ruling from your Honor which the State was not successful in obtaining before Judge Coons.

THE COURT: I think you ought to amend that and say as the Government is seeking to do. We have been here a week at it.

MR. NAWI: Furthermore, your Honor, it was part of these discussions that since the Government would take back the Mejias section that they ought to take Mario and Estella back as well.

In the first place, this will add a great deal of flavor to the Government's case against the other conspiracy defendants. Your Honor is aware of the various charges that have been made against Mario and Estella, and

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2 certainly the Government would like those before a jury in
3 trying a broad conspiracy case against other defendants.

4 Moreover, the state had no longer any interest
5 in prosecuting Mario and Estella itself. It was their belief
6 that as long as the Government had Mejias, and these others,
7 let the Government have Mario and Estella as well.

8 The considerations that went into these decisions
9 were discussed, I expect, at least as early as Judge Coons'
10 decision in the fall, September.

11 However, nothing was done about this, according
12 to Mr. Carey, until the Bravo trial was finished and he
13 could then turn his attention to it and return the indictment
14 that came down on February 19.

15 I cite that to your Honor as showing that even
16 when these things came into play, which I don't accept as
17 being justifiable, there was a delay of a further at least
18 four to five months, before these matters were crystalized
19 into the present indictment.

20 MR. CAREY: Your Honor, I thought Mr. Nawi was
21 going to give us the source for all of these approximately,
22 I would say, 50 allegations other than his own belief.

23 MR. NAWI: Your Honor --

24 THE COURT: And my affidavit. I realize he
25 did cite my affidavit for a few.

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2 collude with the State.

3 THE COURT: I agree.

4 MR. CIAMPA: What I intend to make out is a
5 collusion, not a collaboration, not a cooperation.

6 THE COURT: All right.

7 MR. CIAMPA: I wish to cite five areas where I
8 will present to the Court today things that I heard in the
9 State Court, and I will cite pages in the State minutes,
10 which I believe is perfectly proper, and I will submit them
11 with an affidavit that I as an attorney heard these things
12 occur, they are statements under oath, and I will give the
13 Court those pages so that you may see that my analysis of
14 that page meets with your analysis of that testimony.

15 THE COURT: All right.

16 MR. CIAMPA: Five factors that I feel can be
17 established from the pages and testimony that I am about to
18 cite which occurred in the State Court hearings, and may
19 indeed be enough for the Court without an evidentiary hear-
20 ing in this case because after all they are statements under
21 oath, are first.

22 The arrest was Federal in nature, more Federal
23 than State.

24 Secondly, there was a Federal accusation.

25 Third, the delay between the time of the arrest

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2 and the time of this indictment was caused by the Federal
3 Government in part.

4 Fourth, that the Federal Government has a tac-
5 tical advantage as a result of this delay and the decision
6 made by the Federal Government to proceed through the State
7 Courts first.

8 And fifth, that there was prosecutorial mis-
9 conduct in which the Federal Government participated.

10 That the arrest was Federal in nature seems to
11 me to be in part apparent from the test we heard in this
12 proceeding, but I wish to go further than that. To hide
13 the Federal participation in this arrest would be like try-
14 ing to hide an elephant in this courtroom.

15 The fact is the arrest team was comprised of
16 four law enforcement agents. Two of them were Federal
17 agents. One was a New York City Police Officer. The other
18 was from New Jersey. The marjority of the arrest team was
19 Federal.

20 THE COURT: You are now talking about the arrest
21 of Mejias?

22 MR. CIAMPA: Yes, your Honor.
23
24
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Officer Palazzotto stated that he was a New York City Police Officer, he also stated that he was assigned to a Joint Federal and State Task Force. He was not a New York Police Officer operating out of a precinct. He was not a New York Police Officer on the beat. He was assigned to a Joint State and Federal Task Force.

On page 766 of the State proceeding -- your Honor I am going to give you every page that I cite in my argument, that is, I will give you the statement, it is with a yellow tag, and a cover sheet listing the pages cited.

THE COURT: That will allow me to concentrate on what you are saying without taking notes.

MR. CIAMPA: On page 766 of the State proceeding Officer Palazzotto testified that it was a Joint State and Federal operation, talking about Banshee.

On page 767 he testified --

MR. CAREY: Excuse me. Mr. Ciampa could you tell me where on page 766?

MR. CIAMPA: That is the only mistake in all these pages. Sorry. The first citation is 767.

On page 767 the Joint State and Federal nature of Banshee is gone into by Palazzotto, that is, was in his mind at the State proceeding.

On page 767, by mid-August of '74, prior to the

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2 arrest, prosecutions had been divided between Federal and
3 State officials.

4 On page 810 Palazzotto states that he was in on
5 that decision making from January of '74 to October of '74.

6 On page 769 Palazzotto states that certain per-
7 sons in the investigation were tentatively -- underscored--
8 tentatively assigned for prosecution by the State.

9 On page 770 -- withdrawn, the last citation.

10 Page 772, once again we hear that it was a com-
11 bined effort.

12 On page 774, on the way to the defendant's
13 house, Detective Palazzotto was in touch with one William
14 Manning, and I think we heard that in this proceeding too.

15 I have and will file for your Honor a daily
16 activity report on a DEA form which indicates that Detective
17 William Manning was in fact totally assigned to the Drug
18 Enforcement Administration during this time, and I will get
19 to Detective Manning's testimony at the State hearing where
20 he so states.

21 I call the Court's attention to the fact that
22 Forget, who testified here, of course, is a Drug Enforcement
23 Administration official and made the entry along with
24 Palazzotto. We are not going to get into a kind of judicial
25 primitive formalism as to who was first and who was second.

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2 He was there. He had his gun drawn.

3 On page 904 of the State proceeding we learn
4 that evidence that is in this Court today was seized by a
5 Special Agent Mangino, whose name was mentioned in this
6 proceeding.

7 Page 908 we learn that observations were made
8 by another special agent just around the time of the arrest,
9 where Salazar was observed, and that is Special Agent
10 Palombo.

11 We are now at six to one, six Federal agents to
12 let's say half of a state agent, and that is not to minimize
13 Detective Palazzotto, but I mean that he was at least half
14 involved, half Federal. For that I cite page 1039 of the
15 State transcript, where he stated, and I am quoting two
16 lines from a paragraph answer, "I have read some of them
17 last week," referring to a period in June of last year,
18 during which the hearing occurred, and he said, "I have been
19 working with the United States Attorneys Office and that's
20 part of my job, which is to read them and put them in order."

21 That was a year ago. Now, that is long before
22 the indictment in this case and way outside the scope of
23 the speedy trial.

24 On page 1042 of Detective Palazzotto's testi-
25 mony in the State he stated that transcripts of the tapes

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relied upon by him were kept in the United States Attorney's Office.

Bolstering that with Special Prosecutor Herman's statement at the State proceeding, page 1114, Herman states that two rooms have been furnished by the Federal Government where all these things are kept under lock and key.

At 1115 Mr. Herman states that there is an indictment against Mr. Sarmiento -- that's Mono -- and other people arising out of this investigation and other investigations and then he goes on to say that in the Southern District right now a battery of translators -- I am quoting now -- are translating those tapes. These are the conversations that were the subject of the investigation.

Detective O'Shea's testimony in the State proceeding at page 77 -- withdrawn -- Lieutenant O'Shea testified that people were under investigation along with my client, Mejias, and that some were arrested Federally during this period, and he I believe names some people.

Page 90 and 91 Lieutenant O'Shea talks about the involvement of the DEA, the IRS and Immigration in this operation.

Page 103 he states, and I quote, "I was aware that violation of the law existed as a result of discussions with the DA, Federal authorities, concerning the activities

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2 of the priest up to and including that particular period
3 of time," and the Court may take my word for it he is
4 referring to the time of the arrests.

5 On page 104 he describes himself as working
6 closely with Federal prosecutors.

7 Detective Manning I have stated was assigned to
8 the DEA and for that my source is page 598 of the State
9 proceeding, where Detective Manning describes his assignment.

10 At page 629 and 630 we learn that Special
11 Agent Slattery was in charge of some sort of operation at
12 the plant, which is that Queens operation, and that he
13 received daily activity logs as the immediate supervisor of
14 people in Operation Banshee. You recall Slattery is a high
15 ranking Drug Enforcement Administration official.

16 THE COURT: When you say that he was assigned,
17 am I to understand that to mean that he was no longer on
18 the State payroll but was paid by the Federal Government?

19 MR. CIAMPA: I honestly don't know, except that
20 his daily activity report, which I will show you, was on a
21 DEA form and went to the DEA, not to the police.

22 MR. CAREY: We are speaking about Slattery?

23 MR. CIAMPA: Manning.

24 THE COURT: I was asking about Manning.

25 MR. CIAMPA: That is who I am speaking about,

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Judge. I will show you a sample of Manning's daily activity reports.

According to Manning, the surveillance team around the priest's house happened to be riding in DEA vehicles. The communications were on a DEA band, that is, a DEA radio rather than a police radio, which means coordinates on that DEA frequency were at DEA headquarters, not within Police Department Headquarters.

I don't know what this means, but there is a Geberth on page 740. I throw it out. There may be two Geberths. It is a rare name. Manning said on page 740 that Geberth is the associate regional director with the Drug Enforcement Administration. I know that there is a Sergeant Gebert who appeared from Palazzotto's testimony to be a New York Police Department official.

Nevertheless, there is this testimony of Manning that Geberth is associate regional director of the DEA. Perhaps there are two Geberths or Geberth holds two offices. I don't know.

747, the papers and accounts seized at one of the apartments on September 3 were kept at DEA Headquarters.

Last but not least, the testimony of Cliff Fishman. Clifford Fishman, your Honor, is a District Attorney assigned to this particular operation along with

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2 Lawrence Herman. His testimony is the most elucidating,
3 I think, at the State hearing.

4 He states on 1291 that he was the supervisor of
5 the wire taps.

6 He states on 1295 "We were in discussion with
7 the United States Attorney's Office from the Eastern and
8 Southern Districts to tentatively discuss which defendants
9 might be prosecuted in which jurisdictions, depending on the
10 outcome of the investigation."

11 At 1314 -- and I have his log from the State
12 proceeding, he is testifying from a daily log that Fishman
13 kept -- at 1314 of the State proceeding he stated that the
14 United States Attorney, which he reads from his log, which
15 he was in touch with, are Clayman -- let me back up. This
16 is on September 3, 1974, while the surveillance is in pro-
17 gress, during the time decisions are being made whether to
18 authorize the arrests or not. That period of time in his
19 log he is in touch with Clayman in the Eastern District,
20 Fortuin in the Southern District -- these are Assistant
21 United States Attorneys -- Fried, who according to his log
22 is an Assistant United States Attorney, I am not sure which
23 District, Epstein, who was also an Assistant United States
24 Attorney.

25 1315 of the State Minutes he said that he was

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2 discussing what was happening in the street over the phone
3 as it related to our decisions as to when perhaps to try to
4 make arrests, what to wait for. So I discussed that aspect
5 of what was happening with those Assistant United States
6 Attorneys.

7 Later on he states that the decision to arrest
8 the priest was made by him, Fishman and Herman, he said,
9 as far as State officials are concerned, and by that I mean--
10 this comes later in the testimony -- after the collaboration
11 with the Assistant United States Attorneys.

12 At 1317 of the State transcript he states that
13 he was on the phone several times with Ernie Fried and
14 Guiliani, both of whom I believe to be Assistant United
15 States Attorneys, regarding the arrest of Mono at 30th Street
16 and the reason I cite that is because we heard Lieutenant
17 O'Shea say that in his opinion the authorization of the
18 arrest of the defendant Mejias was at least in part due to
19 the fact that Mono might -- Mono's arrest might be communi-
20 cated to Mejias and Mejias might flee.

21 On 1318, after the arrest, says Fishman, there
22 was a great deal of conversing. "The police were conversing
23 with us, we were conversing with the U. S. Attorneys, to
24 plot the best strategy. I was on the phone several times
25 to both districts. I discussed the morning of September 3,

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2 1974 whether or not there should be arrests." You recall
3 the arrests were in the afternoon. So this is prior to the
4 arrests.

5 On 1330 he states that the arrest of Mejias
6 was discussed as far back as June -- that's three months
7 prior to September -- discussed presumably in these meetings
8 which he talks about on the next page, 1331, discussed in
9 meetings with the Eastern and Southern Districts Assistant
10 United States Attorneys.

11 On 1332 again he states that it was he who
12 authorized Mejias' arrest as far as the State branch of the
13 arrest was concerned.

14 On 1325 he said that no action would have been
15 taken or could have been taken without his okay. That was
16 the plan.

17 With that, your Honor -- and this is all sworn
18 testimony at a Court of competent jurisdiction, which I was
19 participating in as an attorney, which I heard, and the
20 pages will be contained in my affidavit -- with that I find
21 it hard to say for purposes of a speedy trial motion that
22 the arrest had no Federal involvement, that it was purely
23 a State action. I think that that would be, as I suggested
24 in my metaphor, to try to hide an elephant in this courtroom.

25 Second, the accusation.

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2 crime, your Honor, in this case amounts to a hill of beans.
3 It is the same arrest, the same conspiracy, identical to
4 that which Mejias was arrested for and charged with in the
5 State Court.

6 That's not cooperation, that's not collabora-
7 tion. I submit that that's collusion. That's not the rea-
8 son for the maintenance of the dual-sovereignty system, not
9 so that prosecution officials can take their time and test
10 the waters in the State Court first, where my client was
11 facing life imprisonment on an A-1 felony, and then if
12 that doesn't work out test the waters in the Federal Court.

13 And I say to you now, your Honor, that appeal
14 still has not been dismissed and the reasons given in the
15 Appellate Division are the Federal prosecution. Now if you
16 were to suppress the evidence presumably the ball could be
17 lateraled back to the State Court and they could go on
18 with the appeal in the Appellate Division. Where does it
19 stop?

20 Fifth, I was assigned in the State Court. When
21 the proceeding was I believe week or two old I was assigned
22 by the Appellate Division and my first or second day on the
23 job I went to 26 Federal Plaza -- I knew nothing about the
24 case -- and I sat down and there was this volume of papers,
25 and so I had to rely on my friendly prosecutor to give me

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the information I needed as to what the case was about, because the hearing was about to commence and no time would be allowed for me because my client's previous attorney was guilty of misconduct, and I point out to the Court that his misconduct was not on my client's behalf. He tried to bribe a Supreme Court Judge for another defendant, not my client. I inherited his onus. So I had to go into the State proceeding without -- in other words, I was charged with the time he had to prepare.

So Mr. Herman sits me down and he says, "The best thing for you to do is to advise your client to cooperate." He says, "I have discussed cooperation with your client's former attorney, I have discussed with your client, I have had your client in the office, we have discussed what we want from him."

I say, "What is that?"

"He is to testify in several Federal proceedings. We want him to be a witness in Federal prosecutions. We want him to tell all he knows to the Drug Enforcement Administration." No mention of State at all, sir -- "We want him to testify at Congressional hearings. For that we offer," says he, "we offer a Federal safe house, protection, et cetera, et cetera."

In short, your Honor, the whole cooperation deal being transmitted to me by a State official was a

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2 Federal package. I say that to you as an officer of this
3 Court and as an officer of the State court.

4 My client declined to cooperate. At a con-
5 ference between myself and State officials I pointed out
6 that I felt that I could not advise my client any further
7 at this time and that there were serious problems with the
8 arrest and the seizure and that those would have to be
9 eliminated, whereupon I was advised that my client would
10 be sitting in jail for five years by the time that was liti-
11 gated, because even if we were to prevail, of which he
12 felt there was no chance, even if we were to prevail in the
13 State proceeding, there was a Federal proceeding imminent.
14 I was told that I believe in April, prior to the June
15 hearing.

16 What he meant by a Federal proceeding against my
17 client as imminent or possible, I am not exactly sure of the
18 word. The point I am getting at, your Honor, is this was more
19 than dual sovereignty, this was more than two sovereignties
20 legally deciding which and who to prosecute. This was more
21 than cooperation.

22 I think I am through. I want to back up to point
23 4 for one second.

24 The fact of the State proceeding and as to
25 whether the Federal Government was involved in that proceed-

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ing or not, your Honor, I submit is irrelevant. For our purposes the Court may find that it was. If the Court declines my collateral estoppel argument, fine, but whether the Federal Government was actually involved in that State proceeding in that they presented witnesses is to one side now.

I am talking about my client's Fourth Amendment Rights to have evidence suppressed that was illegally seized have been denied him by a double hearing. The reason I say that, the prosecution, that is, the Government in this proceeding, was apprised every step of the way of the defense. The tapes that were used in the State prosecution were, according to testimony at that prosecution, in a Federal office and in the hands of the Federal Government. I have cited the page and your Honor will read that. Evidence had to be cleared, attained from the Federal Government, according to that. An inference that may logically be drawn from those pages I cited, to be brought into that State hearing, and I submit that by no stretch of anyone's imagination, the Government has had two suppression hearings. This is not my collateral estoppel argument. This is the fact that my client is being asked to make his motion twice.

THE COURT: All right.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

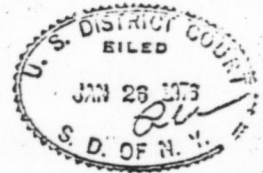
ALBERTO BRAVO, et al.,

Defendants.

SUPPLEMENTAL AFFIDAVIT

S 75 Cr. 429 (JMG)

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:
SOUTHERN DISTRICT OF NEW YORK)



MICHAEL Q. CAREY, being duly sworn, deposes and says:

1. I am an Assistant United States Attorney in the office of Paul J. Curran, United States Attorney for the Southern District of New York and as such I have been assigned responsibility for the captioned matter and I am fully familiar with the facts and circumstances, papers and prior proceedings herein.

2. I make this affidavit, ex. parte, at the request of the Court, in opposition to the motions of defendants to dismiss the indictment and counts thereof, to sever counts of the indictment and for a separate trial of certain defendants.

3. The Government hereby requests the Court to examine this affidavit in camera and to order that it be sealed following such examination.

4. I make this affidavit on information and belief. The sources of my information and belief are the investigators assigned to this case, accomplice and non-accomplice witnesses, copies of documentary evidence, copies of reports of investigation, transcripts of the wiretap recordings in this case and, in general, the papers and reports which have been produced relevant to the investigation on which this indictment rests.

EXHIBIT A

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5. Indictment 74 Cr. 817 (hereinafter indictment 817) (Exhibit A) and Indictment 74 Cr. 1128 (hereinafter indictment 1128) (Exhibit B) were based primarily on testimony of accomplice witnesses. Indictment 74 Cr. 939 (hereinafter indictment 939) (Exhibit C) was based primarily on wiretap recordings and observations of the surveillance officers conducting the wiretap. This indictment, 75 Cr. 429 (hereinafter indictment 429) is based on all of the above evidence. After this matter was assigned to me in March, 1975, my examination of the evidence available to the Government on indictment 939, assigned to the Honorable Milton Pollak, indicated that it would corroborate the witnesses who would testify in indictments 817 and 1128, assigned to the Honorable John M. Cannella. Moreover, the evidence indicated the existence of one overall conspiracy. Rather than burden the Court and the Government with presenting virtually the same evidence to two different judges of this Court in three separate trials on the same conspiracy, I obtained the superceding indictment in this case.

Source of Supply and Distributors

6. Carmen Caban, an accomplice witness who was arrested in July 1973 and who began cooperating in March, 1974, will testify that, from July 1972 to July, 1973 co-defendants Alberto Bravo and Griselda Blanco named in indictments 939, 1128 and 429, were the source of cocaine for co-defendant Jose Antonio Cabrera-Sarmiento ("Pepe Cabrera") and Edgar Restrepo with whom she lived, named in indictments 817, 1128 and 429. Wiretap recordings indicate that, between January and October, 1974, co-defendants Alberto Bravo and Griselda Blanco were also sources of cocaine for Francisco Adriano,

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a defendant, and Mario Rodriguez, an undicted co-conspirator, named in indictments 939 and 429 and that Pepe Cabrera and Mario Rodriguez dealt with each other during the period between January and October, 1974.

7. Carmen Caban will testify that, between July, 1972 and July, 1973, Pepe Cabrera and Edgar Restrepo, defendants in indictments 817, 1128 and 429, were major suppliers of cocaine and that they in turn were a source of supply to others. The wiretap recordings indicate that, between January and October, 1974, Pepe Cabrera, Mario Rodriguez and Francisco Adriano were major importers of cocaine and in turn supplied others with cocaine.

8. Carmen Caban and an undercover agent will testify that between September, 1972 and July, 1973 co-defendants Arturo Gonzalez and Cesar Riveras Rincon, defendants in indictments 939, 1128 and 429 were major distributors of cocaine. Wiretap recordings indicate that between January and October, 1974, Arturo Gonzalez was distributing narcotics.

9. Observations were made during the course of the wiretap of a meeting between Arturo Gonzalez, Cesar Riveras Rincon and Guillermo Palacios, defendants in indictments 939 and 429.

10. William Andries, Lionel Fernandez and Raymond Fernandez can testify that the defendants in indictment 817, including Pepe Cabrera and Gaston Robinson, dealt with each other in importing and distributing cocaine between November 1972 and November, 1973.

11. Carmen Caban has identified Pepe Cabrera as one of the persons recorded on the wiretap and Pepe Cabrera was observed by a surveillance officer during the wiretap.

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12. Nina Abdynino, Rafael Alvarez, Francisco Arnedo, Julian Carrion, Carmen Estrada, Ramiro Estrada, Jorge Gonzalez, Oscar Perez, Marconi Roldan, Ruben Dario Roldan, Beatrice Valencia and Leon Velez and other identified co-conspirators named in indictment 939 have been recorded on wiretaps of telephones at the apartments of Mario Rodriguez or Francisco Adriano between January and October, 1974.

13. The wiretap indicated that Francisco Adriano and Mario Rodriguez dealt with each other in the distribution of cocaine and that Pepe Cabrera and Mario Rodriguez did the same.

14. Documents found in an apartment of Pepe Cabrera indicate that he had sold narcotics to Mario Rodriguez, Luis Estrada, Alberto Mejia, Alvaro Hernandez and Oscar Poli, all of whom were recorded on the wiretap.

15. Toll calls in June or September, 1974 from Pepe Cabrera's apartment reflect calls to Mario Rodriguez, Gabriel Correya, John Doe a/k/a Mingo, Arturo Gonzalez, Jorge Gonzalez and Luis Estrada, all of whom were recorded on or referred to in the wiretaps.

16. Carmen Caban will testify that everyone but Cesar Riveros Rincon in indictment 1128 purchased from, carried for, or sold cocaine to Pepe Cabrera or purchased money orders for Pepe Cabrera.

17. From telephone numbers in a telephone book recovered in Pepe Cabrera's apartment, one may infer his association with defendants Oscar Perez, Guillermo Garcia, a/k/a Chicklet, Edgar Restrepo, Arturo Zapata, and Gaston Robinson.

18. Carmen Caban will testify that Olegario Montes and William Rodriguez were couriers for Pepe Cabrera and Omar Hernandez.

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19. Carmen Caban will testify that in December 1972, she accompanied Griselda Blanco to a meeting with Bernardo Roldan, a defendant in indictments 939 and 429, at the invitation of Griselda Blanco, where arrangements were made for Bernardo Roldan to obtain a false passport for a courier who was to bring narcotics into the United States.

20. Carmen Caban will testify that she knew Juan Mesa and Alvaro Hernandez as associates of Edgar Restrepo, with whom she lived, in the narcotics business during the period between July, 1972 and July, 1973. Both Juan Mesa and Alvaro Hernandez were recorded on the wiretap in drug related conversations.

21. Carmen Caban will testify that she carried \$16,000 from Pepe Cabrera to Colombia, South America and delivered it to Alberto Bravo. She will also testify that money orders were sent by Pepe Cabrera to South America payable to Alvaro Cabrera and Elsa Cabrera in 1972 and the first half of 1973. She will also testify that this money was the proceeds of narcotics distribution.

22. Money orders and money order receipts totalling approximately \$500,000 were recovered in the apartments or on the person of Ernesto Guello, Ramiro Estrada and Carmen Estrada, Alberto Mejia, Pepe Cabrera, Gabriel Correa, Edgar Restrepo, Hugo Ramirez, Francisco Adriano, Mario Rodriguez, Arturo Gonzalez and others.

23. Observation were made of Beatrice Gonzalez Ruben Dario Roldan, Carlos Vasquez and Francisco Adriano purchasing money orders.

Modus Operandi

24. Carmen Caban and the wiretaps will show that the defendants used two identical types of codes in conducting their narcotics negotiations during the period July

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1972 to October, 1974.

25. Evidence will show that all proceeds which we can prove left the United States were sent directly or indirectly to Colombia, South America and Panama, Central America.

26. Lionel Fernandez and Carmen Caban will testify that cocaine was smuggled into the United States in hollowed out coat hangers in 1973. A wiretap conversation in July, 1974 discusses the smuggling of cocaine into the United States in hollowed out coat hangers and the apparent arrest of the courier. Indeed the courier was arrested on July 14, 1974 and the arresting authorities seized cocaine in hollowed out coat hangers.

27. Testimony will also show that the defendants in indictment 1128 and those in indictment 939 used hollowed out shoes to import cocaine as well as the more conventional false compartment suitcase, "seadrop" and smugglers girdles, vests and bra.

Scale of Operation

28. Evidence will show that a total of approximately 10,000 pounds of marijuana was either purchased or discussed by co-conspirators or seized by investigators in this case. Wiretap conversations indicate this marijuana was sold upon import into the United States at a wholesale price of approximately \$450 per pound, indicating a total wholesale value of \$4,500,000. The Government will prove the seizure of approximately 5300 pounds of marijuana.

29. One seagoing shipping container of Grace Prudential Lines was seized during the investigation of this case, assigned to a company owned by co-conspirator Santos Castillo, in which, concealed between the walls of the container, were 2600 pounds gross weight of

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marijuana. The shipment originated in Colombia, South America. Two other containers were seized by Colombian authorities which had been consigned to defendant Oscar Perez, from one of which was seized approximately 1 1/2 tons of marijuana concealed in the walls.

30. Evidence will show that a total of approximately 186 kilograms of cocaine was either purchased or discussed by co-conspirators or seized by investigators in this case. Wiretap conversations indicate this cocaine was being sold at the Miami port of entry at \$18,000 per kilogram, indicating a wholesale value in Miami, before transportation to New York, of \$3,348,000. The Government will prove the seizure of approximately 44 1/2 kilograms of cocaine.

31. Carmen Caban will testify that Pep abrera purchased at least approximately two to seven kilograms of cocaine per month which he sold for approximately \$20,000 per kilogram. The wiretap recordings indicate that during the month of May, 1974, Francisco Adriano or someone else on his telephone had narcotic related conversations during everyday the apartment was occupied between 5 A.M. and 11:30 A.M. (Exhibit D).

32. In the opinion of the investigators, the wiretap recordings, seizures of money and narcotics and the results of the investigation in general indicate that Mario Rodriguez distributed approximately three kilograms

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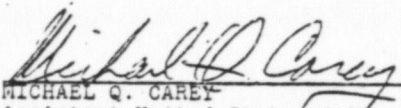
or more of cocaine weekly.

33. In one conversation, on September 1, 1974, Francisco Adriano, while instructing Hugo Ramirez how to launder money, boasted that in 1 1/2 hours he changed \$60,000 dollars cash into money orders.

34. See ¶22, supra.

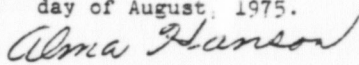
35. This affidavit is not by any means an exhaustive recitation of the evidence which shows this was one overall conspiracy. If additional information is needed prior to trial the Government is prepared to provide it.

WHEREFORE, the Government respectfully requests that the Court deny the motions of the defendants in all respects.


MICHAEL Q. CAREY
Assistant United States Attorney

Sworn to before me this

8th day of August, 1975.



ALMA HANSON
NOTARY PUBLIC, State of New York
No. 24-6763450 Expires in Kings Co.
Commission Expires March 30, 1976

EXHIBIT A

East 64th Street, New York County. Visual observations of said apartment, from across the street, to date have helped to identify the parties therein but cannot be depended on for viewing contraband preparatory to applying for a search warrant. Further, in my opinion as a police officer, MONO and BERNARDO are key members of a highly organized and sophisticated narcotics smuggling ring, with operations in several foreign countries where surveillance would be most difficult to effectuate. Based on the electronic surveillance conducted by my command pursuant to the warrants in Appendices "C" and "D", and on physical surveillance, the three key members of said ring known to frequent New York City, to wit, MONO, BERNARDO and ALBERTO ANASO BRATO AGUDELO, hereinafter referred to as ALBERTO, appear to be now absent from New York in connection with a pending large shipment of narcotics from Colombia and Panama, of which MARIO and/or ESTELA and/or CARLOS can be expected to be notified prior to or upon its arrival.

33. MARIO has been indicted in the Eastern District of New York for conspiracy to violate the narcotic laws of the United States. This indictment resulted from a separate investigation conducted by the United States Drug Enforcement Administration in conjunction with the Offices of the United States Attorneys for the Eastern and Southern Districts of New York. The results of said investigation have been correlated with the results of this instant investigation and with other investigations conducted by other District Offices of the Narcotics Division of the New York City Police Department working in conjunction with the District Attorney of Queens County, the District Attorney of Bronx County and the Special Assistant District Attorney of the Office of Prosecution of the Special Narcotics Courts of the City of New York. Indictments are being sought in State and Federal jurisdictions against more than one hundred forty alleged co-conspirators, over sixty of whom are directly implicated in the instant investigation. A summary of said joint operation, designated "Operation Sanchez" has been shown to the Justice to whom this application is being made. Participating agencies have agreed to defer any arrests of persons implicated therein, including

the arrest of MARIO RODRIGUEZ on the Federal indictment and on a State (Sale) indictment, until a joint

agency decision is made, essentially pending the arrival of one or more of the large shipments referred to in Appendix "E" and/or the return of one or more of the key ring members, to wit, MONO, BERNARDO and ALBERTO.

34. The purpose to be served by the eavesdropping order is as follows: The evidence to be gained from the interceptions of conversations over the telephone bearing the number 699-0942 will not only allow the People of the State of New York to obtain additional evidence to prosecute MARIO, ESTELA and CARLOS for their involvement in a conspiracy to possess and sell controlled substances in Queens County, State of New York, and elsewhere in the City of New York, but also will enable the People of the State of New York to obtain additional evidence to prosecute MARIO's, ESTELA's and CARLOS's accomplices, co-conspirators, agents, suppliers, deliverers, and customers. Interception pursuant to the warrant in Appendix "C", combined with investigation has succeeded in ascertaining the identity, description, and location of certain of MARIO's, ESTELA's and CARLOS's overseas and local sources, or suppliers or deliverers of cocaine as indicated in Appendix "E" and hereinabove. Interception over telephone 699-0942 will enable my command to best monitor the progress and/or the arrival of the pending large shipment of narcotics from Colombia and Panama to BERNARDO's and MONO's co-conspirators, accomplices and agents in New York and to seize all or part of same as culminating overt acts of the conspiracy described hereinabove. Further, by command by means of the above captioned telephonic eavesdropping interception can thereby best time the coordinated arrests of a large number of co-conspirators, as described above, and best monitor the whereabouts of key members of said conspiracy who may at any given time be absent from locations in New York City they have been known to frequent. Particularly since the discontinuation of service on telephone 355-3192, the interception of telephonic communications relating to traffic in controlled substances over telephone 699-0942 is considered even more essential because of the continuing nature and past level of the relationship between MARIO, ESTELA and CARLOS and such co-conspirators

11. MARIO appears to be extremely wary of police surveillance both physical and electronic. MARIO and ESTELA rented a new apartment under assumed names and a telephone was installed under another assumed name. MARIO and ESTELA and their accomplices appear to use various locations for storing and/or cutting narcotics of which one has been identified on Calloway Street, Queens. The joint efforts in preparing conspiracy allegations for Grand Jury presentation, as explained in paragraph 33 of my affidavit in Appendix "J" are progressing; evidence is being presented to a State Grand Jury; various indictments have been returned and it is expected that Federal indictments against substantial numbers of MARIO's, ESTELA's, and MENDO's co-conspirators will be returned in late September and early October of 1974 in the Eastern and Southern Districts of New York. The necessity of monitoring the whereabouts of the primary co-conspirators in New York City, elsewhere in the United States and overseas remains paramount and most difficult to effectuate or maintain by physical surveillance. Further, MARIO and ESTELA appear to be key members of a highly organized and sophisticated inter-national narcotics smuggling ring whose continuing large shipments of marijuana and cocaine from Colombia and Panama are proving most difficult to seize by visual and physical surveillance alone. Conversations and observations indicate BERNARDO ROLDAN entered and left New York City in August in connection with a large narcotics shipment which has not been seized but from which such previously mentioned co-conspirators as ARMANDO ZAPATA and DR. ABRILLY seem to have realized money.

32. The purpose to be served by the eavesdropping order is as follows: The evidence to be gained from the interceptions of conversations over the telephone bearing the number 699-5429 will not only allow the People of the State of New York to obtain additional evidence to prosecute MARIO, ESTELA, HIRELLA and WALTER for their involvement in a conspiracy to possess and sell controlled substances in Queens County, State of New York, and elsewhere in the City of New York, but also enable the People of the State of New York to obtain additional evidence to prosecute MARIO's, ESTELA's, HIRELLA's and WALTER's accomplices, co-conspirators, agents, suppliers, deliverers, and customers. Interception

pursuant to the warrant in Appendix "L", combined with investigation has succeeded in ascertaining the identity, description, and location of certain of MARIO's, ESTELA's, and MONO's overseas and local sources, or suppliers or deliverers of cocaine as indicated hereinabove. Interception over telephone 699-5429 will enable my command to best monitor the progress and/or the arrival of the pending large shipments of cocaine and/or marijuana from Colombia and Panama to MARIO's and ESTELA's co-conspirators, accomplices and agents in New York and to seize all or part of same as culminating overt acts of the conspiracy described hereinabove. Further, my command by means of the above captioned telephonic interception can thereby best time the coordinated arrests of large number of co-conspirators, as described above and in Appendices "J" and "I" and "L", and best monitor the whereabouts of key members of said conspiracy who may at any given time be absent from locations in New York City, or elsewhere in the United States, which they have been known to frequent. The arrests of MARIO, ESTELA, WALTER, MERELLA and all or most locatable co-conspirators, are being planned for early October, when Federal indictments are expected to be returned against a substantial number of said co-conspirators. Particularly since the arrest of MONO, the interception of telephonic communications relating to traffic in controlled substances over telephone 699-5429 is considered even more essential because of the continuing nature and past level of the relationship between MARIO and ESTELA and such co-conspirators as BERNARDO ROLDAN, A/K/A JORGE ARBOLEDA, ALBERTO BRAVO, JUAN MESA, and ARTURO ZAPATA, three of whom are currently believed to be outside the United States.

33. I am informed by Lieutenant Michael O'Shea, my commanding officer of Narcotics District Four, that in order to comply with the Court's order as to minimizing the interception of unrelated communications or communication by anyone other than authorized subjects, he has continued to cause the bilingual Spanish and English speaking police officers to undergo constant and continuing supervision and training by the District's detectives and other members of my command.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Quint Acts
14, 25, 33, 34
all acts.

944's
UNITED STATES OF AMERICA,

-v-

INDICTMENT

74 Cr. 939

ALBERTO BRAVO,
GRISELDA BLANCO,
BRUNO BRAVO, a/k/a Ivan Berrios
FRANCISCO ADRIANO ARMEDO-SARNIENTO,
a/k/a Eduardo Sanchez,
a/k/a Pachó el Mono
LEON VELEZ,
BERNARDO ROLDAN, a/k/a Jorge Arboleda,
ARTURO ZAPATA
ARTURO GONZALEZ, a/k/a Dr. Abraham,
a/k/a Abran, a/k/a Hernandez
JORGE GONZALEZ, a/k/a Jorge Arboleda
CESAR RIVEROS-RINCON
LIBARDO GILL, a/k/a Ramiro Estrada
RUBEN DARIO ROLDAN,
MARCONI ROLDAN
CARMEN GILL, a/k/a Carmen Estrada-
Restrepo, a/k/a Carmen Mazo
CARLOS MARIN, a/k/a Carlos Guarín
BEATRICE GONZALEZ,
JOHN DOE "CHANO"
NINA NINO,
OSCAR PEREZ,
JULIAN CARRION ARCO, a/k/a "Gurian"
GILBERTO ROJAS,
GUILLERMO PALACIOS,
ALBERTO TRAPO,
JOHN DOE "OSCAR," a/k/a Rodrigo Lopez
JOHN DOE "MINGO"
JOHN DOE "CHUCHO"
JAMES MARIO GAVIRJA
ERNESTO GUELLO
GABRIEL CORREA

Defendants.

COUNT ONE

The Grand Jury charges:

1. From on or about the 1st day of January, 1972, and continuously thereafter up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, ALBERTO BRAVO, GRISELDA BLANCO, BRUNO BRAVO, a/k/a Ivan Berrios, FRANCISCO ADRIANO ARMEDO-SARNIENTO, a/k/a Eduardo Sanchez, a/k/a Pachó el Mono, LEON VELEZ, BERNARDO ROLDAN, a/k/a Jorge Arboleda, ARTURO ZAPATA, ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, JORGE GONZALEZ, a/k/a Jorge Arboleda, CESAR RIVEROS-RINCON, LIBARDO GILL, a/k/a Ramiro Estrada, RUBEN DARIO ROLDAN,

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MARCONI ROLDAN, CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo, CARLOS MARIN, a/k/a Carlos Guarin, BEATRICE GONZALEZ, JOHN DOE "CHANO", NINA NINO, OSCAR PEREZ, JULIAN CARRION ARCO, a/k/a "Gurian", GILBERTO ROJAS, GUILLERMO PALACIOS, ALBERTO TRAPO, JOHN DOE "OSCAR", a/k/a Rodrigue Lopez, JOHN DOE "MINGO", JOHN DOE "CHUCHO", JAMES MARIO GAVIRJA, ERNESTO GUELLO, GABRIEL CORREA, the defendants, and Juan Mesa, a/k/a Juan Blanco, Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez, Estella Navas, Alberto Mejia, a/k/a El Padre (Priest), a/k/a Rev. Angel Ortiz, Lilia Prada, Carlos Vasquez-Castano, Edgar Guillermo Mejia and Ruben Gutierrez, named as co-conspirators, and others to the Grand Jury known and unknown, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 812, 841(a)(1), 841(b)(1)(A), 952(a), 953, 960(a)(1), and 960(b)(1) of Title 21, United States Code.

2. It was further part of said conspiracy that the said defendants and co-conspirators unlawfully, intentionally and knowingly would import into the United States from places outside of the United States, to wit, Colombia, and elsewhere to the Grand Jury known and unknown, large quantities of Schedule I and II narcotic drug controlled substances, the exact amount thereof being unknown, in violation of Sections 812, 952(a), 960(a)(1) and 960(b)(1) of Title 21, United States Code.

3. It was further part of said conspiracy that the said defendants and co-conspirators unlawfully, intentionally and knowingly would distribute and possess with intent to distribute large quantities of Schedule I and II narcotic drug controlled substances, the exact amount thereof being to the Grand Jury unknown, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

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-247.

OVERT ACTS

In pursuance of this conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

1. On or about August 1, 1973, co-conspirators Lilia Prada and Ruben Gutierrez sold more than 12 ounces of cocaine to Detective Luis Ramos for \$8,400 at 118 West 109th Street, New York, New York.

2. From on or about August 31, 1973 to on or about September 1, 1973 co-conspirators Lilia Prada and Ruben Gutierrez sold in excess of one pound of cocaine to Detective Luis Ramos for \$10,000 at 243 West 107th Street, New York, New York.

3. On or about January 4, 1974 co-conspirator Lilia Prada met with Detective Luis Vega and negotiated for the sale of three kilograms of cocaine.

4. On or about January 5, 1974 defendant ARTURO ZAPATA discussed a supply of cocaine with co-conspirator Lilia Prada and an unknown male.

5. On or about January 31, 1974, defendant ARTURO ZAPATA had a conversation with co-conspirator Lilia Prada about delivering cocaine to an unknown person.

6. On or about February 5, 1974, co-conspirator Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez, sold 8 ounces of cocaine to a police agent at 118 West 109th Street, New York, New York.

7. In or about February 14, 1974, defendant GRISELDA BLANCO delivered a shipment of five kilograms of cocaine to a woman who smuggled the five kilograms of cocaine into the United States.

8. On or about February 26, 1974, defendant BERNARDO ROLDAN, a/k/a Jorge Arboleda, discussed with co-conspirator Juan Mesa, a/k/a Juan Blanco the delivery of 2-1/2 kilograms of cocaine.

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9. On or about March 15, 1974 defendants ALBERTO BRAVO and BERNARDO ROLDAN, a/k/a Jorge Arboleda discussed sales of narcotics.

10. On or about March 15, 1974 defendant BERNARDO ROLDAN, a/k/a Jorge Arboleda, discussed with co-conspirator Carlos Vasquez-Castano the arrival of a shipment of cocaine in Miami Florida priced at \$24,000 per kilogram.

11. On or about March 22, 1974 co-conspirator Edgar Guillermo Mejia possessed a gun and approximately \$46,000 in cash which money belonged to defendant ALBERTO BRAVO.

12. On or about March 22, 1974, defendant ALBERTO BRAVO and co-conspirators Juan Mesa, a/k/a Juan Blanco, Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez, and Carlos Vasquez-Castano met and had a conversation in front of the Green Derby Restaurant, 978 Second Avenue, New York, New York.

13. On or about May 5, 1974 defendants BRUNO BRAVO and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el mono, had a conversation about making payment to defendant BRUNO BRAVO in Panama for narcotics.

14. On or about May 6, 1974, defendants RUBEN DARIO ROLDAN, BEATRICE GONZALEZ, and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, purchased approximately \$10,000 in money orders at the Chemical Bank, 65th Street and Second Avenue, New York, New York and the East New York Savings Bank, 64th Street and Third Avenue, New York, New York.

15. On or about May 6, 1974, defendant ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez had a conversation with defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho El Mono, concerning the method of smuggling narcotics into the United States from Colombia.

16. On or about May 6, 1974, defendant LIBARDO GILL, a/k/a Ramiro Estrada possessed a quantity of narcotics in New York.

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17. On or about May 6, 1974, defendants MARCONI ROLDAN and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, discussed an expected delivery of narcotics to defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, and arranged for money orders to be sent as payment for narcotics.

18. On or about May 7, 1974, defendant CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo, had a conversation with defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, about selling narcotics to defendant LIBARDO GILL, a/k/a Ramiro Estrada.

19. On or about May 7, 1974, defendants LEON VELEZ and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, had a conversation about sending money orders from New York to defendant BRUNO BRAVO, in Panama.

20. On or about May 8, 1974, defendants BERNARDO ROLDAN, a/k/a Jorge Arboleda, and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho El Mono, discussed plans for a large shipment of narcotics into New York.

21. On or about May 8, 1974 defendants JORGE GONZALEZ, a/k/a Jorge Arboleda and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, discussed the shipment of narcotics into New York planned by defendant BERNARDO ROLDAN, a/k/a Jorge Aboleda.

22. On or about May 8, 1974 defendants BRUNO BRAVO and ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abrin, a/k/a Hernandez, made efforts to locate a lost shipment of narcotics destined for New York.

23. On or about May 10, 1974, defendant ARTURO GONZALEZ a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez quoted \$22,000 as the price per kilogram for the purchase of 2 kilograms of cocaine stashed in Miami, Florida.

24. On or about May 13, 1974, defendant JAMES MARIO GAVIRJA and co-conspirator Alberto Mejia, a/k/a El Padre (Priest), a/k/a Rev. Angel Ortiz, entered a building at 215 East 64th Street, New York, New York.

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25. On or about May 13, 1974, defendant RUBEN DARIO ROLDAN, ordered approximately one kilo of cocaine from defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono.

26. On or about May 18, 1974 defendants ARTURO ZAPATA and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, discussed methods of distributing narcotics.

27. On or about May 16, 1974, defendant JORGE GONZALEZ, a/k/a Jorge Arboleda, discussed the inflationary prices of narcotics with defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono.

28. On or about May 18, 1974, defendant NINA NINO discussed a delivery of narcotics to defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono.

29. On or about May 20, 1974, defendants OSCAR PEREZ and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, discussed payments of accounts for narcotics shipments.

30. On or about May 21, 1974 defendants JORGE GONZALEZ a/k/a Jorge Arboleda, and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, discussed a shipment of narcotics controlled by ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez.

31. On or about May 22, 1974, defendant LIBARDO GILL, a/k/a Ramiro Estrada, possessed a quantity of narcotics.

32. On or about May 22, 1974 defendants JORGE GONZALEZ, a/k/a Jorge Arboleda, and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho El Mono, discussed the arrival of a shipment of cocaine.

33. On or about May 23, 1974, defendant RUBEN DARIO ROLDAN possessed a quantity of cocaine.

34. On or about May 23, 1974, defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho El Mono, ordered cocaine from defendant RUBEN DARIO ROLDAN.

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35. On or about May 23, 1974, defendant CARLOS MARTIN, a/k/a Carlos Guarin had a conversation with defendants FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, and co-conspirator Carlos Vasquez about narcotics.

36. On or about May 24, 1974, defendants JOHN DOE "CHANO" and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, had a conversation about the payment of money for narcotics smuggling.

37. On or about May 26, 1974, defendants JORGE GONZALEZ, a/k/a Jorge Arboleda and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, arranged to organize a shipment of cocaine from Colombia.

38. On or about May 26, 1974, defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, discussed with defendant ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, arrangements to organize a shipment of cocaine.

39. On or about May 26, 1974, defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, discussed meeting with defendant JULIAN CARRION ARCO a/k/a "Gurian" in Central America.

40. On or about June 7, 1974, defendant MARCONI ROLDAN paid the rent for Apartment 10-F, 215 East 64th Street, New York, New York occupied by defendants FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono and BERNARDO ROLDAN, a/k/a Jorge Arboleda.

41. On or about June 9, 1974, defendants GILBERTO ROJAS and ERNESTO GUELLO discussed a payment of money.

42. On or about June 10, 1974, defendant GUILLERMO GUILLO, discussed the sale of a quantity of narcotics to another.

43. On or about June 10, 1974, defendants LIZARDIO GILL, a/k/a Ramiro Estrada, GUILLERMO PALACIOS, GILBERTO ROJAS and GUILLERMO GUILLO had a meeting at apartment 10P, 215 East 64th Street, New York, New York.

44. On or about June 11, 1974, defendants GILBERTO ROJAS, GUILLERMO PALACIOS and ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abren, a/k/a Hernandez, discussed the arrival in New York of a shipment of narcotics.

45. On or about June 11, 1974, defendants GUILLERMO PALACIOS and GILBERTO ROJAS went to 215, East 64th Street, New York, New York.

46. On or about June 11, 1974 defendants ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abren, a/k/a Hernandez, and CESAR RIVEROS-RINCON, travelled to a garage on East 64th Street.

47. On or about June 11, 1974 defendants CESAR RIVEROS-RINCON and GUILLERMO PALACIOS, met with a man on the corner of 63rd Street and First Avenue, New York, New York.

48. On or about June 13, 1974, defendant GUILLERMO PALACIOS, arranged to claim a shipment of cocaine in the United States.

49. On or about July 2, 1974, defendant JOHN DOE "CHUCHO" made plans to receive a shipment of cocaine smuggled into the United States.

50. On or about July 17, 1974 defendant GABRIEL CORREA went to 46-72 37th Street, Queens, New York and received a package from a man.

51. On or about July 17, 1974, defendant GABRIEL CORREA carrying a package and defendant JOHN DOE "HINCO" went to 36-16 66th Avenue, Queens, New York.

52. On or about September 5, 1974, defendant JOHN DOE "HINCO" and co-conspirator Mario Rodriguez, a/k/a Mario Rojas, a/k/a Alfonso Gonzalez had a conversation.

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53. On or about September 18, 1974, defendant JOHN DOE "OSCAR", a/k/a Rodrigo Lopez, and JOHN DOE "El Tio", discussed a quantity of cocaine that was lost.

54. On or about September 17, 1974, defendant ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, possessed approximately \$26,000 in cash.

55. On or about September 30, 1974, defendants CARMEN GILL a/k/a carmen Estrada-Restrepo, a/k/a Carmen Mazo and LIBARDO GILL, a/k/a Ramiro Estrada, possessed approximately one pound of cocaine and a sum of money in excess of \$70,000 in their apartment at 580 Amsterdam Avenue, New York, New York.

56. On or about September 30, 1974, defendants LIBARDO GILL a/k/a Ramiro Estrada, and CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo, possessed approximately 19 pounds of marijuana.

(Title 21, United States Code, Sections 846 and 963)

COUNT TWO

The Grand Jury further charges:

On or before September 3, 1974, in the Southern District of New York, ALBERTO BRAVO, GRISELDA BLANCO, BRUNO VRAVO, a/k/a Ivan Berrios, LEON VELEZ, BERNARDO ROLDAN, a/k/a Jorge Arboleda, ARTURO ZAPATA, ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, JORGE GONZALEZ, a/k/a Jorge Arboleda, CESAR RIVEROS-RINCON, LIBARDO GILL, a/k/a Ramiro Estrada, RUBEN DARIO ROLDAN, MARCONI ROLDAN, CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo, CARLOS MARIN, a/k/a Carlos Guarin, BEATRICE GONZALEZ, JOHN DOE "CHANC", NINA NINO, OSCAR PEREZ, JULIAN CARRION ARCO, a/k/a "Gurian"

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GILBERTO ROJAS, GUILLERMO PALACIOS, ALBERTO TRAPO, JOHN DOE "OSCAR", a/k/a Rodrigo Lopez, JOHN DOE "MINGO", JOHN DOE "CHUCHO", JAMES MARIO GAVIRJA, ERNESTO GUELLO, GABRIEL CORREA, the defendant, unlawfully, intentionally and knowingly did import into the United States from places outside of the United States, a Schedule II narcotic drug controlled substance, to wit, approximately three pounds and twelve ounces of cocaine.

(Title 21, United States Code, Sections 812, 952(a), 960(a)(1) and 960(b)(1).)

COUNT THREE

The Grand Jury further charges:

On or about September 3, 1974, in the Southern District of New York, ALBERTO BRAVO, GRISELDA BLANCO, BRUNO BRAVO, a/k/a Ivan Berrios, LEON VELEZ, BERNARDO ROLDAN, a/k/a Jorge Arboleda, ARTURO ZAPATA, ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, JORGE GONZALEZ, a/k/a Jorge Arboleda, CESAR RIVEROS-RINCON, LIBARDO GILL, a/k/a Ramiro Estrada, RUBEN DARIO ROLDAN, MARCONI ROLDAN, CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo, CARLOS MARIN, a/k/a Carlos Guarin, BEATRICE GONZALEZ, JOHN DOE "CHANO", NINA NINO, OSCAR PEREZ, JULIAN CARRION ARCO, a/k/a "Gurian", GILBERTO ROJAS, GUILLERMO PALACIOS, ALBERTO TRAPO, JOHN DOE "OSCAR", a/k/a Rodrigo Lopez, JOHN DOE "MINGO", JOHN DOE "CHUCHO", JAMES MARIO GAVIRJA, ERNESTO GUELLO, GABRIEL CORREA, the defendants, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately three pounds and twelve ounces of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT FOUR

The Grand Jury further charges:

On or before September 3, 1974, in the Southern District of New York, ALBERTO BRAVO, GRISELDA BLANCO, BRUNO BRAVO, a/k/a Ivan Berrios, LEON VELEZ, BERNARDO ROLDAN, a/k/a Jorge Arboleda, ARTURO ZAPATA, ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, JORGE GONZALEZ, a/k/a Jorge Arboleda, CESAR RIVEROS-RINCON, LIEARDO GILL, a/k/a Ramiro Estrada, RUBEN DARIO ROLDAN, MARCONI ROLDAN, CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo, CARLOS MARIN, a/k/a Carlos Guarin, BEATRICE GONZALEZ, JOHN DOE "CHANO", NINA NINO, OSCAR PEREZ, JULIAN CARRION ARCO, a/k/a "Gurian", GILBERTO ROJAS, GUILLERMO PALACIOS, ALBERTO TRAPO, JOHN DOE "OSCAR", a/k/a Rodrigo Lopez, JOHN DOE "MINGO" JOHN DOE "CHUCHO", JAMES MARIO GAVIRJA, ERNESTO GUELLO, GABRIEL CORREA, the defendants, unlawfully, intentionally and knowingly did import into the United States from places outside of the United States, a Schedule II narcotic drug controlled substance, to wit, approximately fifteen kilograms of cocaine.

(Title 21, United States Code, Sections 812, 952(a), 960(a)(1) and 960(b)(1))

COUNT FIVE

The Grand Jury further charges:

On or about September 3, 1974, in the Southern District of New York, ALBERTO BRAVO, GRISELDA BLANCO, BRUNO BRAVO, a/k/a Ivan Berrios, LEON VELEZ, BERNARDO ROLDAN, a/k/a Jorge Arboleda, ARTURO ZAPATA, ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, JORGE GONZALEZ, a/k/a Jorge Arboleda, CESAR RIVEROS-RINCON, LIEARDO GILL, a/k/a Ramiro Estrada, RUBEN DARIO ROLDAN, MARCONI ROLDAN, CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo, CARLOS MARIN, a/k/a Carlos Guarin, BEATRICE GONZALEZ, JOHN DOE "CHANO", NINA NINO, OSCAR PEREZ, JULIAN CARRION ARCO, a/k/a

BEST COPY AVAILABLE

"Gurian", GILBERTO ROJAS, GUILLERMO PALACIOS, ALBERTO TRAPO,
JOHN DOE "OSCAR", a/k/a Rodrigo Lopez, JOHN DOE "MINGO"
JOHN DOE "CHUCHO", JAMES MARIO GAVIRJA, ERNESTO GUELLO,
GABRIEL CORREA, the defendants, unlawfully, intentionally
and knowingly did distribute and possess with intent to
distribute a Schedule II narcotic drug controlled substance,
to wit, approximately fifteen kilograms of cocaine.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

FOREMAN

PAUL J. CURRAN
United States Attorney

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11-13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

INDICTMENT

S 75 Cr. 429

- ALBERTO BRAVO, *old*
 GRISELDA BLANCO, *old*
 BRUNO BRAVO, a/k/a Ivan Berrio, *old*
 (1) ✓ FRANCISCO ADRIANO ARMELO-SARMIENTO, *old*
 a/k/a Eduardo Sanchez,
 a/k/a Pacho el Mono,
 a/k/a Elkin,
 a/k/a Francisco Velez,
 JOSE ANTONIO CABREFA-SARMIENTO, *new*
 a/k/a Pepe, a/k/a El Tio,
 (2) ✓ EDGAR RESTREPO-BOTERO, a/k/a Omar *new*
 Hernandez, a/k/a El Sobrino, a/k/a
 Edgar,
 (3) ✓ LEON VELEZ, *old*
 BERNARDO ROLDAN, *old*
 ARTURO GONZALEZ, a/k/a Dr. Abraham,
 a/k/a Abran, a/k/a Hernandez,
 (4) ✓ JORGE GONZALEZ, a/k/a Jorge Arboleda, *old*
 (5) ✓ LIBARDO GILL, a/k/a Ramiro Estrada, *old*
 (6) ✓ RUBEN DARIO ROLDAN, *old*
 (7) ✓ MARCINI ROLDAN, *old* - *Plea*
 CARMEN GILL, a/k/a Carmen Estrada-
 Restrepo, a/k/a Carmen Mazo, *old*
 CARLOS MARIN, a/k/a Carlos Guarin,
 (8) ✓ BEATRICE GONZALEZ, *old* - *Plea*
 NINA NINO, *old* - *Plea*
 OSCAR PEREZ, *old* - *Plea*
 (9) ✓ ERNESTO GUELLO, *old* - *Plea*
 (10) ✓ JULIAN CARRION ARCO, a/k/a Gurian, *old* - *fug, but on trial*
 GILBERTO ROJAS, *old*
 GUILLERMO PALACIOS, *old*
 ARTURO ZAPATA, *old*
 JAMES MARIO CAVIRJA, *old*
 GABRIEL CORREA, *old*
 ALVARO CABRERA-SARMIENTO, *new*
 ANTONIO ROMERO, *new*
 ELSA CABRERA, *new*
 CESAR JULIO RIVEROS-RINCON, *new*
 (11) ✓ WILLIAM RODRIGUEZ-PARRA, a/k/a Jairo,
 OLEGARIO MONTES-GOMEZ,
 RAMIRO SAN COCHO,
 HUMBERTO SANDOVAL, a/k/a Ramache,
 ALBERTO LUIS HERRERA,
 (12) ✓ GASTON ROBINSON,
 RHONDA SUE SHIRAH, *old* - *Plea*
 WILLIAM ANDRIES, *old*
 LUIS ESTRADA, a/k/a Chucho,

Defendants.

COUNT ONE

The Grand Jury charges:

1. From on or about the 1st day of January, 1972.

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and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York and elsewhere, ALBERTO BRAVO, GRISELDA BLANCO, BRUNO BRAVO, a/k/a Ivan Berrio, FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pecho el Mono, a/k/a Elkin, a/k/a Francisco Velez, JOSE ANTONIO CABPERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio, EDGAR RESTREPO-BOTERO, a/k/a Omar Hernandez, a/k/a El Sobrino, a/k/a Edgar, LEON VELEZ, BERNARDO ROLDAN, ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, JORGE GONZALEZ, a/k/a Jorge Arboleda, LIBARDO GILL, a/k/a Ramiro Estrada, RUBEN DARIO ROLDAN, MARCONI ROLDAN, CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo, CARLOS MARIN, a/k/a Carlos Guarin, BEATRICE GONZALEZ, NINA NINO, OSCAR PEREZ, ERNESTO GUELLO, JULIAN CARRION ARCO, a/k/a Gurian, GILBERTO ROJAS, GUILLERMO PALACIOS, ARTURO ZAPATA, JAMES MARIO GAVIPJA, GABRIEL CORREA, ALVARO CABRERA- ARMIENTO, ANTONIO ROMERC, ELSA CABREKA, CESAR JULIO RIVEROS-RINCON, WILLIAM RODRIGUEZ-PARRA, a/k/a Jairo, OLEGARIO MONTES-GOMEZ, RAMIRO SAN COCHO, HUMBERTO SANDOVAL, a/k/a Ramache, ALBERTO LUIS HERRERA, GASTON ROBINSON, RHONDA SUE SHIRAH, WILLIAM ANDRIES and LUIS ESTRADA, a/k/a Chucho, the defendants, and Juan Mesa, a/k/a Juan Blanco, Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez, Estella Navas, a/k/a Estella Benilla, Alberto Mejia, a/k/a El Padre (the Priest), a/k/a Rev. Angel Ortiz, Lilia Prada, Carlos Vasquez-Costeno, Edgar Guillermo Mejia, Ruben Guttierrez, Renea Rondinell, a/k/a Rita Ramon, Blanca Ruth Velasquez, a/k/a Carmen Caban, a/k/a Carmen Colon, Gloria Velasquez, a/k/a Gloria Caban, Adol Rivera, a/k/a Miguel, Carlos Martinez, Clayton Robinson, William Altman, Richard Crivera, Danny Gordon, Diabolo Robinson, Alberto Trapo, Ramiro Burmudez, Gilberto Mejia, a/k/a El Negro, Joseph Stephen Leal, John Doe, a/k/a Chano, John Doe, a/k/a Gabrielito, John Doe,

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a/k/a Oscar, a/k/a Rodriguez Lopez, John Doe, a/k/a Mingo, John Doe, a/k/a Oscar, John Doe, a/k/a Pachito, John Doe, a/k/a Callegas, John Doe, a/k/a Mario, John Doe, a/k/a Arturo, John Doe, a/k/a Farro, John Doe, a/k/a Carlos Julio, Santos Castillo, a/k/a Olivo, Lionel Duque and Rosie Restrepo, a/k/a Lola Montoya who are named herein as co-conspirators but not as defendants, and others to the Grand Jury known and unknown, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 812, 841(a)(1), 841(b)(1)(A), 952(a), 955, 959, 960(a) and 960(b)(1) of Title 21, United States Code.

2. It was a part of said conspiracy that the defendants and unindicted co-conspirators unlawfully, intentionally and knowingly would manufacture and distribute large quantities of a Schedule II narcotic drug controlled substance, to wit, cocaine, in Colombia, South America and elsewhere to the Grand Jury unknown intending and knowing that such cocaine would be unlawfully imported into the United States in violation of Sections 812, 959, 960(a)(3) and 960(b)(1) of Title 21, United States Code.

3. It was further a part of said conspiracy that the defendants and unindicted co-conspirators unlawfully, intentionally and knowingly would then ship large quantities of cocaine to the United States and import it directly into the United States at Miami, Florida, Texas, Philadelphia, Pennsylvania, New York, New York and elsewhere to the Grand Jury known and unknown and indirectly into the United States, through Spain, Canada and Mexico, at New York, New York, the United States Canadian border, and elsewhere to the Grand Jury known and unknown in violation of Sections 812, 952(a) and 960(b)(1) of Title 21, United States Code.

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4. It was further a part of said conspiracy that the defendants and unindicted co-conspirators, in order to ship the cocaine into the United States, unlawfully, intentionally and knowingly would bring and possess said cocaine on board seagoing and other vessels, aircraft and vehicles of a carrier, arriving in the United States, hidden in body belts and shoes worn by individual defendants and co-conspirators to the Grand Jury known and unknown, and hidden behind the lining of their accompanying luggage and elsewhere to the Grand Jury unknown, hidden in the walls of large commercial shipping containers, in hollowed out soles and heels of shoes, in hollowed out clothes hangers and in other containers to the Grand Jury unknown in violation of Sections 812, 955, 960(a)(2) and 960(b)(1) of Title 21, United States Code.

5. It was further a part of said conspiracy that, after the cocaine was imported into the United States, the defendants and unindicted co-conspirators unlawfully, intentionally and knowingly would transport the cocaine in the boroughs of Manhattan and Queens, in New York City and elsewhere to the Grand Jury known and unknown and there would distribute and possess with the intent to distribute the cocaine in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

6. It was further a part of said conspiracy that the defendants and unindicted co-conspirators unlawfully, intentionally and knowingly would distribute cocaine and would possess it with the intent to distribute it in New York City and elsewhere to the Grand Jury unknown in large quantities in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

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7. It was further a part of said conspiracy that the defendants and unindicted co-conspirators unlawfully, wilfully and knowingly would use and carry firearms to commit and during the commission of the felonies set forth in Counts One and Two of this indictment, in violation of Title 18, United States Code, Section 924(c).

8. It was further a part of said conspiracy that the defendants and unindicted co-conspirators would collect large sums of United States currency in payment for the cocaine they sold and convert it into money orders of \$500 and other denominations.

9. It was further a part of said conspiracy that the defendants and unindicted co-conspirators would ship money orders to Colombia, South America and Panama, Central America, and elsewhere to the Grand Jury unknown, by mail, on the person of travelers and in other ways to the Grand Jury unknown for the purchase of additional large quantities of cocaine to be imported into and distributed in the United States.

OVERT ACTS

In pursuance of this conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

(1) In or about July, 1972, defendant JOSE ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio, sold approximately 2.2 pounds of cocaine to defendant HUMBERTO SANDOVAL, a/k/a Ramache.

(2) In or about August, 1972, defendant JOSE ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio, gave co-conspirator Blanca Ruth Velasquez, a/k/a Carmen Caban, a/k/a Carmen Colon, \$16,000 for delivery to defendant ALBERTO BRAVO and co-conspirator John Doe, a/k/a Oscar, in Bogota, Colombia, South America, as payment for a quantity of cocaine.

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(39) In or about November, 1973, defendants CARLOS MARIN, a/k/a Carlos Guarin and EDGAR RESTREPO-POTERO, a/k/a Omar Hernandez, a/k/a El Sobrino, a/k/a Edgar and JOSE ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio possessed two automatic pistols, one revolver and one semi-automatic rifle which were to be used to protect cocaine shipments.

(40) On or about January 4, 1974 co-conspirator Lilia Prada met with Detective Luis Vega, who was acting in an undercover capacity as a narcotics buyer, and negotiated for the sale of 6.6 pounds of cocaine.

(41) On or about January 5, 1974, defendant ARTURO ZAPATA discussed a supply of cocaine with co-conspirator Lilia Prada and an unknown male.

(42) On or about January 31, 1974, defendant ARTURO ZAPATA had a conversation with co-conspirator Lilia Prada about delivering cocaine to an unknown person.

(43) On or about February 5, 1974, co-conspirator Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez, sold approximately 8 ounces of cocaine to a police agent at 118 West 109th Street, New York, New York.

(44) In or about February 14, 1974, defendant GRISELDA BLANCO delivered a shipment of approximately 11 pounds of cocaine to a woman who smuggled the approximately 11 pounds of cocaine into the United States.

(45) On or about February 26, 1974, defendant BERNARDO ROLDAN, a/k/a Jorge Arboleda, discussed with co-conspirator Juan Mesa, a/k/a Juan Blanco the delivery of 5.5 pounds of cocaine.

(46) On or about March 5, 1974, at 132-65 Pople Avenue, Queens, New York, co-conspirator Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez and others to the Grand Jury unknown, were seated at a table, on which was placed a firearm, sifting a white powder.

(47) On or about March 15, 1974, co-conspirator Carlos Vasquez Costeno and defendant BERNARDO ROLDAN, discussed the prices of cocaine rising from \$18000 to \$24000 for 2.2 pounds delivered in Miami, Florida.

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(48) On or about March 1974 co-conspirator Edgar Guillermo Mejia possessed on and approximately \$37,354 in cash in a shopping bag.

(49) On or about March 22, 1974, defendant ALBERTO BRAVO and co-conspirators Juan Mesa, a/k/a Juan Blanco, Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez, and Carlos Vasquez-Costeno met and had a conversation in front of the Green Derby Restaurant, 978 Second Avenue, New York, New York.

(50) On or about May 6, 1974, defendants RUDEN DARIO ROLDAN, BEATRICE GONZALEZ, and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez, purchased approximately \$10,000 in money orders at the Chemical Bank, 65th Street and Second Avenue, New York, New York and the East New York Savings Bank, 64th Street and Third Avenue, New York, New York.

(51) On or about May 6, 1974, defendant LIBARDO GILL, a/k/a Ramiro Estrada possessed a quantity of narcotics in New York.

(52) On or about May 6, 1974, defendant ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez had a conversation with defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez, concerning a method of smuggling narcotics into the United States from Colombia, South America.

(53) On or about May 6, 1974, defendants MARCONI ROLDAN and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez, discussed money and money orders kept in the apartment of defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a

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(59) On or about May 8, 1974, defendants ERUNO BRAVO, a/k/a Ivan Berrio and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez, discussed shipment of money destined for Colombia, South America.

(60) On or about May 10, 1974, defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez and co-conspirator Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfredo Gonzalez, and others to the Grand Jury unknown, discussed the purchase of 2.2 pounds of cocaine for \$22,000, delivered in Miami, Florida.

(61) On or about May 13, 1974, defendant JAMES MARIO GAVIRJA and co-conspirator Alberto Mejia, a/k/a El Padre (The Priest), a/k/a Rev. Angel Ortiz, entered a building at 215 East 64th Street, New York, New York.

*6:20 PM
215 East 64th St. Apt 10F
Dario Roldan*
(62) On or about May 13, 1974, defendant RUBEN DARIO ROLDAN ordered approximately 2.2 pounds of cocaine from defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez.

(63) On or about May 16, 1974, defendant JORGE GONZALEZ, a/k/a Jorge Arboleda, discussed payments for narcotics with defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez.

(64) On or about May 18, 1974, defendants ARTURO ZAPATA and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez, discussed methods of distributing narcotics.

(65) On or about May 18, 1974, defendant NINA NINO discussed payments for narcotics with defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez.

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(81) On or about June 11, 1974, defendants GUILLERMO PALACIOS and GILBERTO ROJAS went to 215 East 64th Street, New York, New York.

(82) On or about June 11, 1974, defendants ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, and CESAR RIVEROS-RINCON, travelled to a garage on East 64th Street, New York, New York.

(83) On or about June 11, 1974, defendants CESAR RIVEROS-RINCON and GUILLERMO PALACIOS, met with a man on the corner of 63rd Street and First Avenue, New York, New York.

(84) On or about June 13, 1974, defendant GUILLERMO PALACIOS, arranged to claim a shipment of cocaine in the United States.

(85) On or about July 17, 1974, defendant GABRIEL CORREA went to 48-72 37th Street, Queens, New York and received a package from a man.

(86) On or about July 17, 1974, defendant GABRIEL CORREA, carrying a package, and co-conspirator John Doe, a/k/a Mingo went to 86-16 60th Avenue, Queens, New York.

(87) On or about September 5, 1974, co-conspirators John Doe, a/k/a Mingo and Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez had a conversation.

(88) On or about September 17, 1974, defendant ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, possessed approximately \$26,000 in cash.

(89) On or about September 18, 1974, co-conspirator John Doe, a/k/a Oscar, a/k/a Rodrigo Lopez, and defendant JOSE ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio, discussed a quantity of cocaine that was lost.

(90) On or about September 30, 1974, defendants CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo and LIBARDO GILL, a/k/a Ramiro Estrada, possessed approximately one pound of cocaine and a sum of money in excess of \$70,000 in their apartment at 580 Amsterdam Avenue, New York, New York.

(Title 21, United States Code, Sections 846 and 963.)

HQC:sic
M-13COUNT TWO

The Grand Jury further charges:

1. From on or about the 1st day of January, 1972, and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York and elsewhere, ALBERTO BRAVO, GRISELDA BLANCO, BRUNO BRAVO, a/k/a Ivan Berrio, FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkan, a/k/a Francisco Velez, JOSE ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio, EDGAR RESTREPO-ROTERO, a/k/a Omar Hernandez, a/k/a El Sobrino, a/k/a Edgar, LEON VELEZ, BERNARDO ROLDAN, ARTURO GONZALEZ, a/k/a Dr. Abraham, a/k/a Abran, a/k/a Hernandez, JORGE GONZALEZ, a/k/a Jorge Arboleda, LIBARDO GILL, a/k/a Ramiro Estrada, RUBEN DARIO ROLDAN, MARCONI ROLDAN, CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo, CARLOS MARIN, a/k/a Carlos Guarin, BEATRICE GONZALEZ, NINA MINO, OSCAR PEREZ, ERNESTO GUELLO, JULIAN CARRION ARCO, a/k/a Gurian, GILBERTO ROJAS, GUILLERMO PALACIOS, ARTURO ZAPATA, JAMES MARIO GAVIRJA, GABRIEL CORREA, ALVARO CABRERA-SARMIENTO, ANTONIO ROMERO, ELSA CABRERA, CESAR JULIO RIVEROS-RINCON, WILLIAM RODRIGUEZ-PARRA, a/k/a Jairo, OLEGARIO MONTES-GOMEZ, RAMIRO SAN COCHO, HUMBERTO SANDOVAL, a/k/a Ramache, ALBERTO LUIS HERRERA, GASTON ROBINSON, RHONDA SUE SHIRAH, WILLIAM ANDRIES, and LUIS ESTRADA, a/k/a Chucho, the defendants, and Juan Mesa, a/k/a Juan Blanco, Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez, Estella Navas, a/k/a Estella Bonilla, Alberto Mejia, a/k/a El Padre (the Priest), a/k/a Rev. Angel Ortiz, Lilia Prada, Carlos Vasquez-Costeno, Edgar Guillermo Mejia, Ruben Guttierrez, Renee Rondinell, a/k/a Rita Ramos,

Blanca Ruth Velasquez, a/k/a Carmen Caban, a/k/a Carmen Colon, Gloria Velasquez, a/k/a Gloria Caban, Adol Rivera, a/k/a Miguel, Carlos Martinez, Clayton Robinson, William Altman, Richard Crivera, Danny Gordon, Diablo Robinson, Alberto Trapo, Ramiro Burmudez, Gilberto Mejia, a/k/a El Negro, Joseph Stephen Leal, John Doe, a/k/a Chano, John Doe, a/k/a Gabrielito, John Doe, a/k/a Oscar, a/k/a Rodriguez Lopez, John Doe, a/k/a Mingo, John Doe, a/k/a Oscar, John Doe, a/k/a Pachito, John Doe, a/k/a Callegas, John Doe, a/k/a Marrio, John Doe, a/k/a Arturo, John Doe, a/k/a Farro, John Doe, a/k/a Carlos Julio, Santos Castillo, a/k/a Olivo, Lionel Duque and Rosie Restrepo, a/k/a Lola Montoya, who are named herein as co-conspirators but not as defendants, and others to the Grand Jury known and unknown, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 812, 841(a)(1), 841(b)(1)(B), 952(a), 955, 959, 960(a) and 960(b)(2) of Title 21, United States Code.

2. It was a part of said conspiracy that the defendants and unindicted co-conspirators unlawfully, intentionally and knowingly would manufacture and distribute large quantities of a Schedule I controlled substance, to wit, marihuana, in Colombia, South America and elsewhere to the Grand Jury unknown intending and knowing that such cocaine would be unlawfully imported into the United States in violation of Sections 812, 959, 960(a)(3) and 960(b)(2) of Title 21, United States Code.

3. It was further a part of said conspiracy that the defendants and unindicted co-conspirators unlawfully,

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intentionally and knowingly would then ship large quantities of marihuana to the United States and import it directly into the United States at Miami, Florida, Texas, Philadelphia, Pennsylvania, New York, New York and elsewhere to the Grand Jury known and unknown and indirectly into the United States, through Spain, Canada and Mexico, at New York, New York, the United States Canadian border, and elsewhere to the Grand Jury known and unknown in violation of Sections 812, 952(a) and 960 (b)(2) of Title 21, United States Code.

4. It was further a part of said conspiracy that the defendants and unindicted co-conspirators, in order to ship the marihuana into the United States, unlawfully, intentionally and knowingly would bring and possess said marihuana on board seagoing and other vessels, aircraft and vehicles of a carrier, arriving in the United States, and hidden in the walls of large commercial shipping containers and in other containers to the Grand Jury unknown in violation of Sections 812, 955, 960(a)(2) and 960(b)(2) of Title 21, United States Code.

5. It was further a part of said conspiracy that, after the marihuana was imported into the United States, the defendants and unindicted co-conspirators unlawfully, intentionally and knowingly would transport the cocaine into the boroughs of Manhattan and Queens, in New York City and elsewhere to the Grand Jury known and unknown and there would distribute and possess with the intent to distribute the marihuana in violation of Sections 812, 841(a)(1) and 841(b)(1)(B) of Title 21, United States Code.

6. It was further a part of said conspiracy that the defendants and unindicted co-conspirators unlawfully, intentionally and knowingly would distribute marihuana and would possess it with the intent to distribute it in New York City and elsewhere to the Grand Jury unknown in large quantities in violation of Sections 812, 841(a)(1) and 841(b)(1)(B) of Title 21, United States Code.

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7. It was further a part of said conspiracy that the defendants and unindicted co-conspirators unlawfully, wilfully and knowingly would use and carry firearms to commit and during the commission of the felonies set forth in Counts One and Two of this indictment, in violation of Title 18, United States Code, Section 924(c).

8. It was further a part of said conspiracy that the defendants and unindicted co-conspirators would collect large sums of United States currency in payment for the marihuana they sold and convert it into money orders of \$500 and other denominations.

9. It was further a part of said conspiracy that the defendants and unindicted co-conspirators would ship money orders to Colombia, South America and Panama, Central America, and elsewhere to the Grand Jury unknown, by mail, on the person of travelers and in other ways to the Grand Jury unknown for the purchase of additional large quantities of marihuana to be imported into and distributed in the United States.

OVERT ACTS

In pursuance of this conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

(1) In or about February and March, 1973, defendant ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio and co-conspirator Joseph Stephen Leal discussed the transfer of firearms.

(2) In or about May, 1973, co-conspirator Joseph Stephen Leal delivered one automatic pistol and one revolver to defendant JOSE ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio.

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(3) On or about July 24, 1973, at apartment 1W, 118 West 109th Street, New York, New York, co-conspirator Lilia Prada and Ruben Gutierrez sold approximately one-half pound of cocaine to Detective Luis Ramos, who was acting in an undercover capacity as a narcotics buyer, for \$5600 and gave Detective Ramos a sample of approximately 1/8 ounce of marihuana.

(4) On or about July 24, 1973, defendant EDGAR RESTREPO-BOTERO, ^{a/k/a El Sobrino} a/k/a Edgar, delivered three ^{a/k/a 3.2 mm 42 mm 12} revolvers in a suitcase to co-conspirator Blanca Ruth Velasquez, a/k/a Carmen Caban, a/k/a Carmen Colon to hold for him and for defendant JOSE ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio.

(5) In or about September, 1973, defendants JOSE ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio, GASTON ROBINSON and WILLIAM ANDRIES discussed the smuggling of a large quantity of marihuana.

(6) In or about October, 1973, defendants JOSE ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio, GASTON ROBINSON and WILLIAM ANDRIES successfully smuggled approximately 2400 pounds of marihuana into the United States at Miami, Florida.

(7) In or about October, 1973, defendant ALBERTO HERRERA and co-conspirator John Doe, a/k/a Gabrielito transported approximately 2400 pounds of marihuana from Miami, Florida to New York, New York.

(8) On or about March 5, 1974, at 132-65 Pople Avenue, Queens, New York, co-conspirator Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez, and others to the Grand Jury unknown, were seated at a table on which was a firearm.

(9) On or about March 19, 1974, co-conspirator Estella Navas, a/k/a Estella Bonilla and Rosie Restrepo, a/k/a Lola Montoya, discussed delivery of 10 pounds of marihuana.

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(10) On or about March 21, 1974, co-conspirator Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez told co-conspirator Rosie Restrepo, a/k/a Lola Montoya that he could provide an unlimited quantity of marihuana.

(11) On or about March 22, 1974, co-conspirator Edgar Guillermo Mejia possessed a gun and approximately \$37,354 in cash in a shopping bag.

(12) On or about May 4, 1974, defendant FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho El Mono, a/k/a Elkin, a/k/a Francisco Velez, discussed a shipment of marihuana with co-conspirator Lionel Duque.

(13) On or about May 6, 1974, defendants BRUNO BRAVO and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez, had a conversation about making payment to defendant BRUNO BRAVO in Panama for marihuana.

(14) On or about May 6, 1974, defendant LIBARDO GILL, a/k/a Ramiro Estrada possessed a quantity of marihuana in New York.

(15) On or about May 6, 1974, defendants RUBEN DARIO ROLDAN, BEATRICE GONZALEZ and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez purchased approximately \$10,000 in money orders at the Chemical Bank, 65th Street and Second Avenue, New York, New York and the East New York Savings Bank, 64th Street and Third Avenue, New York, New York.

(16) On or about May 7, 1974, defendant JORGE GONZALEZ, a/k/a Jorge Arboleda and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez discussed a missing shipment of marihuana.

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(17) On or about May 8, 1974, defendants BRUNO BRAVO, a/k/a Ivan Berrio and FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez, discussed the delivery of \$45,500 to LEON VELEZ, the defendant, for the purchase of a large quantity of marihuana.

(18) On or about May 25, 1974, defendants FRANCISCO ADRIANO ARMEDO-SARMIENTO, a/k/a Eduardo Sanchez, a/k/a Pacho el Mono, a/k/a Elkin, a/k/a Francisco Velez and JORCE GONZALEZ, a/k/a Jorge Arboleda, discussed distributing high quality marihuana.

(19) On or about September 24, 1974, 2100 pounds of marihuana were concealed in the ceiling and walls of a Prudential Grace Lines shipping container which was to be delivered to Suarez Import and Wholesalers, a company owned by co-conspirator Santos Castillo, a/k/a Olivo.

(20) On or about September 30, 1974, defendants LIBARDO GILL, a/k/a Ramiro Estrada, and CARMEN GILL, a/k/a Carmen Estrada-Restrepo, a/k/a Carmen Mazo, possessed approximately 19 pounds of marihuana.

(21) On or about October 5, 1974, co-conspirator Mario Rodriguez, a/k/a Mario Navas, a/k/a Alfonso Gonzalez, possessed approximately 10 pounds of marihuana and one revolver.

(Title 18, United States Code, Section 846 and 963.)

COUNT THREE

The Grand Jury further charges:

On or about July 24, 1973, in the Southern District of New York, EDGAR RESTREPO-BOTERO, a/k/a Omar Hernandez, a/k/a El Sobrino, a/k/a Edgar and JOSE ANTONIO CABRERA-SARMIENTO, a/k/a Pepe, a/k/a El Tio, the defendants, unlawfully, wilfully and knowingly did use and carry unlawfully firearms to commit and during the commission of the felonies set forth in Counts One and Two of this indictment, to wit,

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one Colt Diamondback .22 caliber revolver, one Dan Wesson
.357 Magnum revolver and one Ruger .357 Magnum revolver.
(Title 18, United States Code, Section 924(c).)

Foreman

PAUL J. CURRAN
United States Attorney



